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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

VIET NAM

[30 September 1992]

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* The annexes, as submitted, in English, are available for consultation in the files of the Centre for Human Rights.

VIET NAM

PROVINCE
1. Ha Noi
2. Ho Chi Minh City
3. Hai Phong
4. Cao Bang
5. Ha Giang
6. Tuyen Quang
7. Lang Son
8. Lai Chau
9. Lao Cai
10. Yen Bai
11. Bac Thai
12. Son La
13. Vinh Phu
14. Ha Bac
15. Quang Ninh
16. Ha Tay
17. Hoa Binh
18. Hai Hung
19. Thai Binh
20. Nam Ha
21. Ninh Binh
22. Thanh Hoa
23. Nghe An
24. Ha Tinh
25. Quang Binh
26. Quang Tri
27. Thua Thien - Hue
28. Quang Nam - Da Nang
29. Quang Ngai
30. Kon Tum
31. Gia Lai
32. Dac Lac
33. Lam Dong
34. Binh Dinh
35. Phu Yen
36. Khanh Hoa
37. Binh Thuan
38. Song Be
39 Tay Ninh
40. Dong Nai
41. Long An
42. Dong Thap
43. An Giang
44. Tien Giang
45. Ben Tre
46. Tra Vinh
47. Can Tho
48. Kien Giang
49. Minh Hai
50. Ba Ria - Vung Tau
51. Ninh Thuan
52. Vinh Long
53. Soc Trang
Hai Nam Dao
China
Hoang Sa
Phu Quoc
Con Dao
Philippin
Viet Nam
Truong sa
Malaysia

ABBREVIATIONS

CPCC	Committee for the Protection and Care of Children
VNCC	Viet Nam National Committee for Children
MOCIS (CIS)	Ministry of Culture, Information and Sport
MOET (ET)	Ministry of Education and Training
MOH	Ministry of Public Health
MOLISA (LISA)	Ministry of Labour, Invalids and Social Affairs
HEDO	Highland Education Development Organization
NARV	Nordic Assistance to Repatriated Vietnamese (a Scandinavian NGO consortium)
NPA	National Programme of Action
ARI	Acute respiratory infections
CDD	Control of diarrhoeal diseases
EPI	Expanded programme of immunization
RF-RHD	Rheumatic fever and rheumatic heart disease

Introduction

A. The land and the people

1. Viet Nam is in south-east Asia, on the Indochinese peninsula, bordering the People's Republic of China, the Lao People's Democratic Republic and Cambodia. Long and narrow, Viet Nam occupies approximately 328,000 square kilometres of land. The coast is roughly 3,200 kilometres long, with thousands of coastal and off-shore islands. The climate is mainly tropical, but the subtropical northern areas experience cool winters. The northern and central parts of Viet Nam are exposed to frequent typhoons which often disrupt harvests, travel and communications.

2. The bulk of the population live in the northern and southern regions, which enjoy a relatively developed economy in comparison with the central region, where population density is low and most people live on the coast. The present population of Viet Nam is 67.7 million, with about 30 million under-sixteens and 34.7 million women. The population is growing at an annual rate of 2.2 per cent. Average life expectancy is 62.7 years.

3. Viet Nam's 1990 literacy rate (the latest reliable figures) is 88 per cent, with 93 per cent of men and 84 per cent of women literate. This compares with an overall literacy rate of 85 per cent in 1980 (male literacy 90 per cent, female literacy 81 per cent).

4. There are 54 different ethnic groups in Viet Nam. The Kinh (whose language is known as Vietnamese) account for 87 per cent, while other significant ethnic groups number between 600,000 and 1.5 million people each. The largest ethnic minority groups, the Nung, Muong, Khmer, Hoa and Thai, live mostly in mountain and forest regions.

5. Religions are numerous, the most significant ones being Buddhism, Catholicism and Protestantism. Among the Kinh in particular, but also in some ethnic minorities, Confucianism exerts a strong influence, responsible to a large extent for the nature of the relationship between the individual and the family, and also for the cult of ancestors. Aspects of this tradition are not conducive to social progress, especially the traditionally high status accorded men and the concomitantly low status of women, which is also seen in the great importance attached by most families to the birth of at least one son to ensure the continuance of the family name.

6. Viet Nam is comparatively rich in natural resources: oil, coal, minerals, hydroelectric potential, forest and sea resources are all abundant. The main crop is rice; coffee, tea, rubber and a wide variety of fruit are also important.

7. Viet Nam is essentially an agricultural country. More than two thirds of the population live in rural areas, working mostly in agriculture. The rural population comprises 9.65 million households living in almost 9,000 communes and over 51,000 villages. The main mode of production is manual and depends very much on suitable natural conditions. Rice production used to be very

low, but in recent years it has increased rapidly, and in 1991 21.7 million tonnes of paddy, or 321 kilogrammes per capita (compared with 268 kilogrammes in 1986) were produced. Disturbingly, however, the growth of food production is not keeping up with demographic growth.

B. Political and economic system

8. Viet Nam is a socialist republic. The 1992 Constitution, proclaimed in April of that year, recognizes the Communist Party of Viet Nam as the leading force of the State and society, operating within the framework of the Constitution and the laws of the country. The National Assembly is the highest representative body and the highest State body with constitutional and legislative power, and its members are elected by universal suffrage. The National Assembly elects and has the right to dismiss the President and Vice-President of State, the Chairman and Vice-Chairman of the National Assembly, the Prime Minister, the Chief Justice and the Chief Prosecutor.

9. The 1992 Constitution embodies important changes to the former Constitutions of 1959 and 1980: the economic rights of the citizen, including the freedom to do business (art. 57), the right to ownership over capital, property, housing and other means of production (art. 58), as well as the right to inherit, are all stated for the first time.

10. Apart from economic rights, the new Constitution also articulates a number of political rights either not referred to at all or stated only in general terms in previous Constitutions. For instance, article 71 stipulates that no one shall be arrested without a court ruling; article 72 states that no one shall be considered guilty and accordingly liable to punishment unless convicted by a court of law (which in effect endorses the principle of the presumption of innocence). As far as freedom of belief is concerned, the 1992 Constitution is clearer than the previous Constitutions: places of religious worship shall be protected by law and no one shall infringe upon the freedom of belief and religion (art. 70). Moreover, for the first time, the Constitution records the right of the citizen to go to foreign countries and to return from foreign countries to the homeland (art. 68).

11. As article 50 of the Constitution explains, citizens' rights embody human rights in the political, civil, economic, cultural and social spheres. The Constitution also states (art. 74) that any citizen shall have the right to lodge protests with and make denunciations to relevant State agencies against illegal acts by State agencies, economic and social organizations, people in the armed forces or individuals. Human rights are thus now provided with an important guarantee.

12. Renovation (Doi Moi) is being stepped up in Viet Nam: the economic system is moving away from central planning towards a market-oriented system, and gradual political change is hastening democratization and increasing respect for human rights.

13. As far as foreign relations are concerned, it is stipulated in article 14 of the 1992 Constitution that Viet Nam shall enlarge its relations and cooperation with all countries irrespective of their political and social systems, on the basis of mutual respect for national independence, sovereignty

and territorial integrity; the Constitution also states Viet Nam's commitment to support for endeavours, wherever they may be, for peace, national independence, democracy and social progress. Multilateral relations between Viet Nam and other countries in south-east Asia continue to improve steadily, one of whose effects has been to increase foreign investors' interest in Viet Nam and thus to speed up Viet Nam's economic development. This has also been assisted by the Law on Foreign Investment, which, passed in late 1987, has been welcomed by large numbers of companies and individual investors all over the world.

14. The Government recognizes that the establishment of a market economy in Viet Nam will be an important factor in securing significant long-term national economic progress, but that the period of transition from a centrally planned economic system to a market economy must, like the implementation of any fundamental reform, entail certain "teething" problems in the short term. The period of transition has already improved conditions in Viet Nam, but it has also given rise to a number of problems.

15. Successes include increased production of a number of commodities in the first half of 1992: food production continued to rise, as did exports (especially rice and crude oil). It is even more encouraging that industrial production has finally begun to reverse the trend of three years' stagnation, with the total value of industrial production in the first half of 1992 16.6 per cent above production in the first half of 1991. Inflation has also been reduced: in June 1992, prices increased by 0.3 per cent, bringing the average monthly inflation rate for the first six months of 1992 down to 2.1 per cent, half the figure for the first six months of 1991.

16. New difficulties have also come to light, however: unemployment is now a serious national issue, with one million people listed as unemployed and another 3.3 million with no stable job. Also, the purchasing power of certain sections of society has been reduced, which has a negative impact on consumption. Two other areas of concern include State budget deficits and the danger of inflation. All these problems constrain the implementation of social policies, including policies concerning children and mothers. Needless to say, the American-led embargo continues to constitute an obstacle to economic progress.

17. Viet Nam thus finds itself in a difficult period characterized in part by sustained pressure on budgets for social policies (including basic health care and education) and poor employment prospects, the latter acting to discourage families from taking proper care to ensure that children receive adequate education. This period may not, however, last too long: the economic indicators above suggest that there are grounds for hope and that socio-economic stability is not far off.

18. Political reform is also progressing. The National Assembly, elected recently in accordance with the provisions of the new 1992 Constitution, is now more powerful than at any time in its history. Legislative, executive and judiciary institutions are being reformed to constitute the backbone of a law-governed State. Power is also being devolved to lower-level government bodies, which will facilitate local compensation for limited central-level budgeting for social policies. Finally, the rapid growth of foreign

investment, encouraged by the Law on Foreign Investment, bodes well for industrialization in Viet Nam and the greater prosperity it will bring. In Viet Nam, where children have always been the object of special protection and care, what better guarantee could there be that child-oriented policies will be more fully implemented than that national wealth and democratic rights are irreversibly advancing?

19. Besides these economic and political reforms, one more important factor contributing to the successful implementation of child-related policies must be mentioned: the role of mass, non-governmental, international and foreign organizations. The mass organizations include the Fatherland Front, the Farmers' Union, the Youth Union, the Women's Union and the Federation of Trade Unions, all of which have networks from central down to grass-roots level. In addition, there are more than 100 Vietnamese social and non-governmental organizations, with similarly extensive links throughout the country. These organizations include the Red Cross Society and numerous literary, artistic, cultural and scientific associations as well as societies formed to cultivate international friendship.

20. Official development assistance is crucial and growing, despite constraints imposed by the American-led embargo on assistance to Viet Nam and the cessation of CMEA assistance due to the changes in eastern Europe and the former USSR. A number of western countries (Australia, Sweden, France and Italy among them) are, however, resuming direct bilateral assistance to Viet Nam, despite the embargo. In 1990, United Nations assistance amounted to US$ 75.3 million, less than half all non-CMEA official development assistance of about US$ 170 million. A June 1992 briefing note by the United Nations Development Programme (UNDP) estimates that the annual figure may rise as high as US$ 1 billion during the next five years.

C. A long tradition of devotion to children

21. In Viet Nam the family is traditionally viewed as the foundation of society, parents and grandparents alike offering the children the very best of care. The two Vietnamese sayings below explain this tradition well:

> A family where the son will be superior to his father is a family blessed with happiness.
>
> When young, one relies on one's parents; when old, on one's children.

It is part of this tradition that children are educated "to shed glory on the race". Much of Vietnamese history bears this out.

22. In Viet Nam, three generations usually live under the same roof: parents, their children, and the grandparents (the latter normally living with their eldest son). Children thus receive care from their grandparents and their uncles and aunts; and when old and weak, grandparents are looked after by their grandchildren. Mention should also be made of the importance attached in Viet Nam to strong, close relations between households in the same village. Such relationships are of great significance, especially where the care and protection of orphans is concerned.

23. A well-known teaching of President Ho Chi Minh states, "To reap a return in 10 years, plant trees; to reap a return in 100, cultivate the people". The Vietnamese State and people have accordingly consistently sought to "cultivate the people", considering it an important responsibility to the future generation and the future of the nation. The first organization for children in Viet Nam was set up on 15 May 1941, when the Youth Union for National Salvation was established. After the 1945 revolution, this organization was renamed the Pioneers. In May 1961, a Committee for Children and Teenagers was established, and in September 1972, the Standing Committee of the National Assembly launched a campaign to protect, care for and educate children, using the slogan, "All for the future of our sons and daughters".

24. In 1979, to coincide with the United Nations International Year of the Child, the Vietnamese Committee of the International Year of the Child was set up, and the Standing Committee of the National Assembly approved the Ordinance on the Protection, Care and Education of Children, which states that care for the child is the responsibility not only of the family but of the State and society too. The ordinance identifies six basic rights and three basic obligations of children. Decision 293/HDBT provided for the implementation of the ordinance.

25. In 1984, Decision 176a/HDBT extended the period of paid maternity leave for government employees to six months. In 1986, the National Assembly passed the Law on Marriage and the Family, which contains six chapters of direct relevance to children's rights. The 1989 Ordinance on Family Planning also has a direct bearing on children's rights.

26. The 1989 Law on the Protection of Public Health stipulates that children have a right to health protection and care, and that it is the duty of society and the State to ensure that they have access to it. Chapter 8 of the Law relates to children's health in general and also to health care for disabled children.

27. The year 1989-1990 was proclaimed Year of the Vietnamese Child, in which, among a number of other activities, a national review was conducted of the first 10 years' (i.e. 1979-1989) implementation of the Ordinance on the Protection, Care and Education of Children. This review constituted the groundwork for the drafting of the Law on the Protection, Care and Education of Children, which after thorough public discussion and amendment, was passed by the National Assembly in August 1991. The Law on the Universalization of Primary Education was passed by the National Assembly at the same time.

28. In July 1991, an important document, the Strategy for Socio-Economic Stabilization and Development up to the Year 2000, was made public. Although this document is concerned with all relevant development issues, considerable attention is devoted in it to child-related issues.

29. In the international arena, on 26 January 1990 Viet Nam signed the Convention on the Rights of the Child, and on 20 February 1990 ratified it without reservation. Viet Nam was the first Asian country to do this, and the second in the world. In September 1990, Viet Nam took part in the World Summit for Children and in March 1991 signed the World Declaration on the Survival, Protection and Development of Children.

30. Four months later, a Vietnamese delegation, one of 11 national delegations, attended the First Regional East-Asia and Pacific Consultation on the Convention on the Rights of the Child, in Bangkok. This was followed in December of the same year by a National Summit for Children, attended by more than 250 central and provincial government officials (including the General Secretary of the Communist Party of Viet Nam, Mr. Do Muoi, the President of Viet Nam, Mr. Vo Chi Cong, and the Chairman of the Council of Ministers, Mr. Vo Van Kiet), a number of representatives of United Nations and non-governmental organizations, members of the diplomatic community in Hanoi, and media representatives. The National Summit approved Viet Nam's draft National Programme of Action for Children 1991-2000.

31. The developments listed above testify to the very positive attitude the Government has to child-related issues and its commitment to fully integrating child-oriented programmes in all other relevant State programmes. The establishment of mechanisms to ensure the implementation of the Convention on the Rights of the Child is proceeding well, and the Committee for the Protection and Care of Children (CPCC) is well placed to ensure that children's issues are treated with the high priority they require. The Government acknowledges that this means that assistance with the implementation of child-oriented programmes must be sought from all quarters, both inside and outside Viet Nam.

32. One could not so confidently state that the personal attitudes of ordinary Vietnamese people always serve the best interests of children in Viet Nam. Low standards of living affect both ways of life and attitudes, and the first priority for many families is increasing income, rather than making sure that children receive the maximum of attention and care. Also, attitudes dating back to feudal times still retain considerable influence. The result is the perpetuation in some areas of discrimination against women and girl children and of attitudes to children in general that place high value on obedience and filial piety, and do not encourage a view of children as complex, highly varied individuals. However, here, too, there are encouraging signs of change in the right direction: in education, more child-centred approaches are being promoted in primary schools (see "Multigrade education for primary age students", Ministry of Education and Training, 1992) and in the provisions of schooling for mentally handicapped children (according to "Vietnamese Studies", No. 104,1992); and child psychology as a discipline is slowly gaining recognition.

33. The CPCC accepts that other problems remain. These include the paucity of up-to-date information (a shortcoming of this document) and the Committee's unfamiliarity with the coordinating and monitoring work that it must perform. In spite of these constraints, the Committee nevertheless feels that significant progress in improving its capacities has already been made. The mere fact that this document has identified a number of key issues that, five years ago, would have attracted little or no comment, is in itself cause for some optimism about the Committee's future capacities.

34. The table below gives some indication of a more concrete nature of progress in child-related matters up to 1990.

Table 1. Basic data on children's and women's health and education

Focus	Indicators	1980	1985	1990
1. IMR[1]	IMR per 1,000 live births Under-five MR per 1,000 live births	80 116	76 98	46 81
2. MMR[2]	MMR per 100,000 births	100	140	110
3. Malnutrition	Percentage of children under five that are malnourished (i.e., underweight) Total: Moderate malnutrition (Grade 1): Severe malnutrition (Grade 2): Very severe (Grade 3):	 - - -	 51.5 39.0 10.9 1.6	 41.8 27.6 11.5 2.7
4. Drinking water[3]	Percentage of population with access to safe drinking water: Total Urban Rural	 - - -	 - - -	 29.7 38.5 20.9
5. Sanitation[3]	Percentage of population with access to hygienic toilet facilities at housing unit: Total Urban Rural	 - - -	 - - -	 23.6 34.0 13.2
6. Early childhood education	Percentage of children attending a: creche b: kindergarten	 26.6 33.2	 24.2 36.0	 12.2 33.4
7. Basic education	Gross primary school enrolment Net primary school enrolment Percentage of Grade one intake completing primary school Primary school drop-out rate Primary school repeat rate	103 87 47 - -	109 86 55.2 8.32 13.87	102 84 46.7 12.6 8.6
8. Adult literacy	Adult (i.e., aged 15 or more) literacy rate: Total Male Female	 83.8 91.4 78.1	 84.4 89.6 79.7	 87.6 92 85.6

Notes:

(1) Infant mortality rate
(2) Maternal mortality rate
(3) 1990 figures updated after 1991 survey

Source: CPCC/UNICEF Hanoi

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken in the past two years to harmonize national law and policy with the provisions of the Convention

35. The Law on the Protection, Care and Education of Children affirms the principle of non-discrimination and that the responsibility for the protection, care and education of children lies with families, schools, State agencies, social organizations and all citizens. It also affirms that any infringement of the rights of the child and any action adversely affecting the normal development of a child shall be severely punished. The Law on the Universalization of Primary Education stipulates that children from 6 to 14 years of age shall compulsorily attend classes from the first to the fifth grade.

36. In addition to these two laws, a number of articles of the 1992 Constitution are of direct relevance to the Convention:

(a) Article 65 states that children shall enjoy protection, care and education provided by the family, the State and society;

(b) Article 63 states that the State and society shall undertake the development of maternity and paediatric wards in hospitals, of kindergartens and of other social welfare facilities in order to shoulder some of the burden of child care currently borne by families;

(c) Article 40 affirms that the State, society, family and citizens shall be responsible for the protection and care of mothers and children and for the implementation of population and family planning programmes;

(d) Article 36 states that the State shall develop pre-school education, general education and vocational education, that it shall universalize primary education and eradicate illiteracy, and that people's organizations, social and economic bodies, families and schools shall be responsible for educating Viet Nam's children and young people.

37. The Law on the Protection of Public Health (art. 46) states that the child is entitled to medical examination and treatment, as well as vaccination against certain diseases. Parents (whether natural or adoptive) have an obligation to care for the child's health and to follow instructions given by physicians, while public health authorities are responsible for the development and consolidation of the system of health care and thus also for protecting the child from disease. Child health care should normally be provided in the first instance by the local health centre. Article 47 stipulates that the Ministry of Public Health (MOH) and the Ministry of Labour, Invalids and Social Affairs (MOLISA) are entrusted with the care and rehabilitation of disabled children.

38. Thus, the Constitution and existing law clearly define the responsibilities of the State and of the people and create better conditions for the implementation of the Convention. Unfortunately, however, for reasons

that will be discussed in greater detail below, the framing of these legal instruments does not in itself constitute a solution of all child health and education problems.

39. The Strategy for Socio-Economic Stabilization and Development up to the Year 2000 states that people are the focus of the development process, and thus that people must be cared for, educated and protected from birth. The Strategy sets as its overall objective the country's emergence from its current crisis situation by the year 2000, by which time the socio-economic situation will be stable and conditions ripe for rapid development in the early twenty-first century. The Strategy lists a number of activities directly related to children and intended to eliminate deprivation in educational, cultural and health-related matters.

40. With regard to health protection, the Strategy specifies that efforts will be made to combat child malnutrition, and to promote the successful implementation of the expanded programme of immunization (EPI) for children and of sports and physical exercise activities for children and teenagers.

41. With regard to education, the Strategy states that activities associated with educational reform will be subject to review in order to ensure that they are proceeding appropriately; special attention will be reserved for strengthening the provision of early childhood education, the universalization of primary education, eliminating illiteracy, promoting continuing education and developing vocational and technical education.

42. On the social plane, the Strategy states a need for policies for the protection of children in especially difficult circumstances, including children of ethnic minority backgrounds and those living in mountainous and remote regions.

43. The National Summit for Children, held on 11 and 12 December 1991 in Hanoi, was attended by numerous high-ranking Vietnamese and foreign officials. Its main achievement was the adoption of the draft National Programme of Action (NPA) for Children to cover the period 1991-2000. The NPA (which, at the time of the preparation of this report, is in final draft form for presentation to the Council of Ministers) sets out the Government's strategy for implementing the objectives to which it committed itself at the World Summit for Children, giving the Government's views on the situation and the needs of Vietnamese children and stating objectives attainable given the situation in Viet Nam. It also suggests budgets, project activities and methods of monitoring progress.

44. The draft NPA states four national child protection and care priorities, which are:

(a) Good health for all children;

(b) Primary education for all children;

(c) Care for the spiritual and cultural life of all children; and

(d) Special care for children in especially difficult circumstances

and seven specific objectives to be attained by the year 2000:

(a) To reduce under-one mortality from 46 per 1,000 live births in 1990 to 30 per 1,000 and under-five mortality from 81 per 1,000 in 1990 to 55 per 1,000;

(b) To reduce maternal mortality from 110 per 10,000 in 1990 to 70 per 10,000;

(c) To reduce the incidence of under-five malnutrition from 41.8 per cent in 1990 to 30 per cent;

(d) To increase the proportion of the population with access to safe water from 29.7 per cent in 1990 to 82 per cent in the cities and 80 per cent in rural areas;

(e) To raise to 90 per cent the proportion of children under 15 completing primary education, and to 100 per cent the proportion of children completing at least third grade; to eradicate illiteracy in 15-year-olds; to reduce the primary school repeat and drop-out rates to 5 per cent; and to increase literacy among 15- to 35-year-olds from the 1990 rate of 87.6 per cent to 93 per cent in the year 2000;

(f) To create cultural centres and other facilities exclusively for children in 30 per cent of the country's communes by 1995, increasing to 50 per cent coverage by the year 2000; and

(g) To extend care and attention to children in especially difficult circumstances, reaching 70 per cent of orphans without foster parents and 70 per cent of disabled children.

45. The draft NPA for the period 1991-1995 envisages five main foci of implementation:

(a) Disparity reduction and reaching under-served and hard-to-reach groups;

(b) Community participation;

(c) Communication, information, advocacy and social mobilization (CIASM);

(d) Empowerment of women; and

(e) Effective collaboration with multilateral and bilateral agencies and non-governmental organizations (NGOs).

B. Strengthening mechanisms for coordinating policies relating to children and for monitoring the implementation of the Convention

46. The main government organization with responsibility for coordinating and monitoring implementation of the Convention is the Committee for the Protection and Care of Children (CPCC), which was called the Viet Nam National

Committee for Children (VNCC) until September 1991. In this section, we examine steps taken over the past three years to strengthen it, and describe its organization and monitoring and information network.

47. On 25 September 1989 the Chairman of the Council of Ministers appointed Mr. Nguyen Khanh, Vice-Chairman of the Council of Ministers, President of the VNCC; other personnel changes were intended to strengthen the ability of the Committee to liaise with other Government and social bodies, and through them with other organizations. Members of the Committee include representatives of a number of other ministries and mass organizations.

48. On 9 September 1991 the name of the Committee was changed to its current one, and two months later (16 November) the Vietnamese Government issued Decree 362/HDBT describing the functions, tasks, authority and organization of the Committee (see figures 1 and 2 below).

49. The CPCC organization reaches from central down to commune level, staffed at all levels by representatives of a variety of ministries and mass or social organizations. At central level, the CPCC's six-member Board at present includes the Vice-President of the Council of Ministers, the Minister of Health, a Vice-Minister of Education and Training, a Vice-President of the Women's Union, and the General Secretary of the Youth Union; a further 18 high-ranking ministry and other personnel serve on the main CPCC. At provincial level, the President of the CPCC (which varies in size between 9 and 15 members) is usually the permanent Vice-Chairman of the Province People's Committee; at district level the CPCC representation amounts to between 7 and 11 people, at least one of whom is a high-ranking member of the District People's Committee; and at commune level, between five and seven people, including usually the Vice-Chairman of the Commune People's Committee, acts, in the role of coordinator of children's affairs, as the local CPCC.

50. The role of the CPCC is, in brief, to:

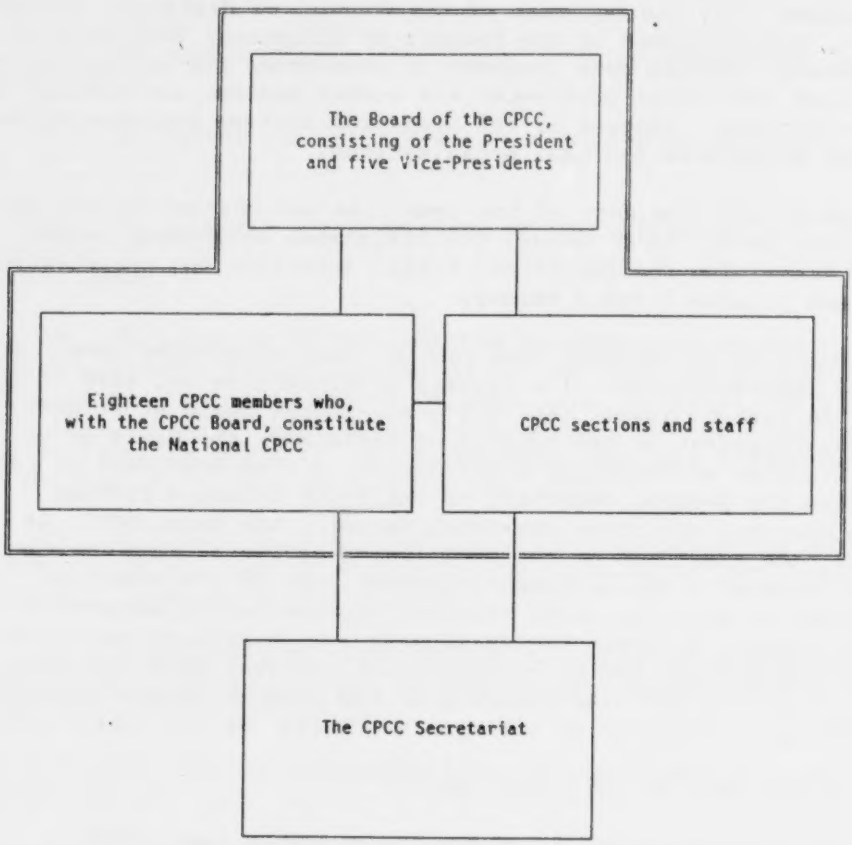
(a) Assist the Government in identifying suitable approaches, activities, projects and policies to promote the protection, care and education of children;

(b) Ensure that government agencies and local government entities coordinate their activities with those of social and mass organizations in the implementation both of the Law on the Protection, Care and Education of Children and of commitments to international bodies in connection with the rights of children; and

(c) In the name of the Council of Ministers, contact international and foreign organizations and receive from them donations and other assistance for child-related development programmes.

The functions, tasks and authority of the CPCC are set out in full in the Law on the Protection, Care and Education of Children and in the decree accompanying it.

Figure 1: Diagram to show the administrative organization and structure of the national CPCC in Hanoi


The Board of the CPCC, consisting of the President and five Vice-Presidents
Eighteen CPCC members who, with the CPCC Board, constitute the National CPCC
CPCC sections and staff
The CPCC Secretariat

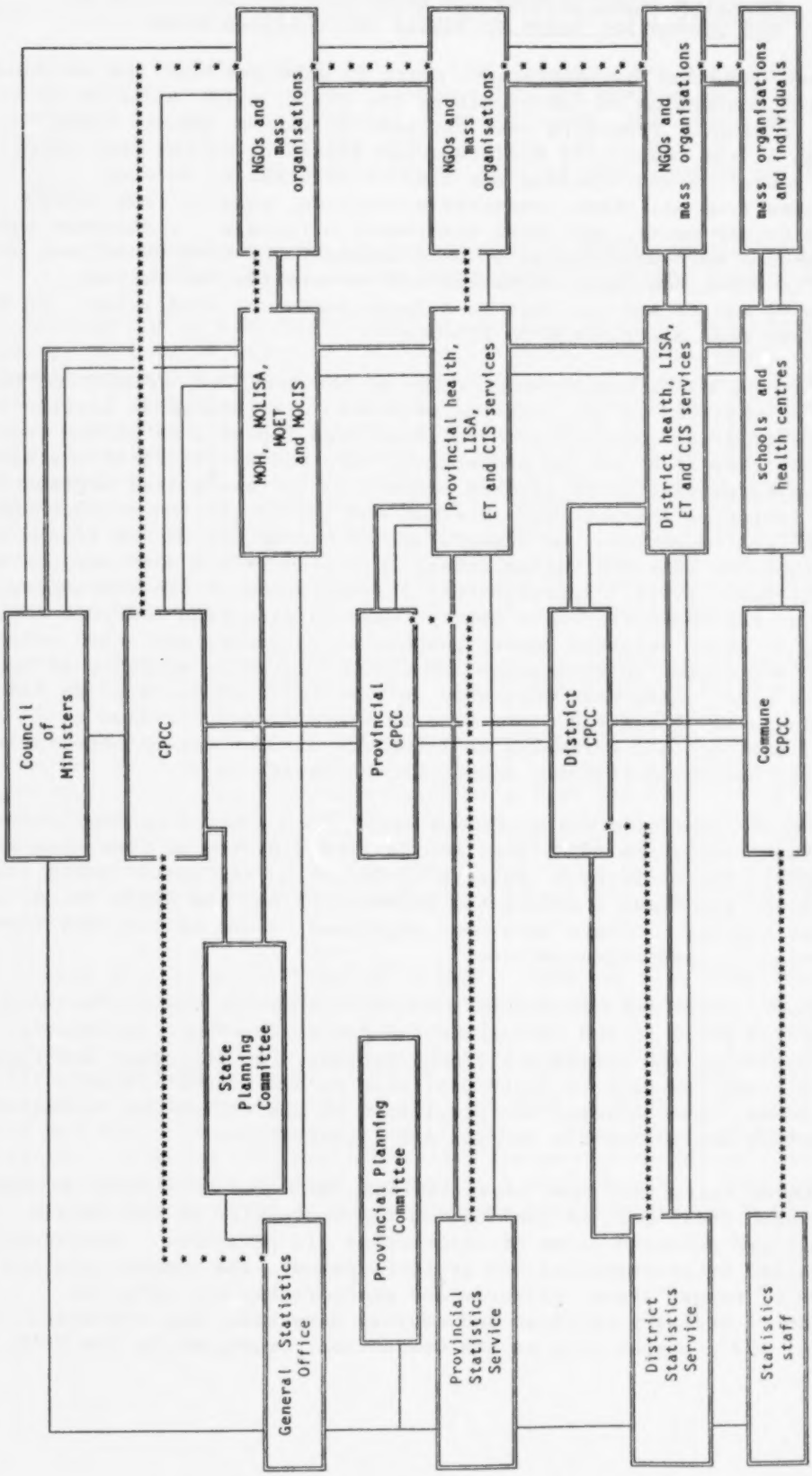
Notes: The six members of the Board of the CPCC are the President, Mr. Nguyen Khanh, Vice-President of the Council of Ministers; Dr. Tran Thi Thanh Thanh; Professor Pham Minh Hac, Vice-Minister of Education and Training; Mr. Ha Quang Du, General Secretary of the Youth Union; Professor Pham Song, Minister of Health; and a Vice-President of the Women's Union.

The other 18 members of the national CPCC are academics or high-ranking officials in government ministries and mass or social organizations.

The 24 people referred to in the two paragraphs above constitute the decision makers of the CPCC, aided and informed by the CPCC sections, of which there are seven (the number of staff of each section is given in brackets): education (1); sanitation, safe water and health (1); communication (2); cultural activities (1); external relations (2); children in difficult circumstances (2); and the National Fund for Vietnamese Children (2). Although small, these sections are staffed by people with extensive connections within the fields for which they are responsible. The sections are responsible for monitoring, managing and coordinating information about child-oriented activities in Viet Nam. There is in addition a general office staff of two.

The CPCC Secretariat is headed by one of the non-Board members of the CPCC (Mr. Phung Ngoc Hung, President of the Pioneers organization). Its members, of whom there are 10 in addition to Mr. Hung, are, like the members of the CPCC, academics or high-ranking officials in government ministries and mass or social organizations. The functions of the Secretariat is of an essentially reporting, consultative and advisory nature.

Figure 2. The CPCC's monitoring and information system



C. Measures taken to make the principles and provisions of the Convention known to adults and children alike

51. The most important national-level event to date has been the National Seminar on the Convention on the Rights of the Child, which occurred in August 1990 in Hanoi. Presiding over the seminar was Mr. Nguyen Khanh, Vice-Chairman of the Council of Ministers and President of the then VNCC; the Minister of Education and Training was also in attendance, as were representatives from all other concerned ministries, experts from UNICEF New York and UNICEF Hanoi, and local government officials. Vietnamese texts of the Convention were distributed at this seminar, and have since been widely distributed to other seminars, workshops and conferences for further distribution to adults and children in a large number of localities. In some cases they have been distributed to schools.

52. Texts of the World Summit Declaration on the Survival, Protection and Development of Children in the Nineties have been distributed in similar ways, as have other important documents on child-related issues such as the two important 1991 laws (i.e. on the protection, care and education of children, and on the universalization of primary education) and associated explanatory literature, including the booklets "Vietnam and the Convention on the Rights of the Child" and "Questions and answers on the Convention on the Rights of the Child" (both Su That Publishing House, in collaboration with Swedish Save the Children, Hanoi 1991). Approximately 25,000 copies of the Vietnamese translation of the Convention have been printed to date, and numerous copies of a variety of other relevant books, pamphlets, calendars and other material, including 90,000 copies in Vietnamese and 15,000 copies in minority languages of "Facts for Life", have been published in Vietnamese and/or English and minority languages. These and other materials are frequently used at conferences, seminars and workshops to introduce discussions on more specific issues such as health, nutrition, education and recreation.

53. Conferences, seminars and workshops dealing with child-related issues have been organized by the CPCC, MOH, MOLISA, the Ministry of Education and Training (MOET), the Ministry of Culture, Information and Sport (MOCIS), and the Youth Union, the Women's Union, the Farmers' Union, the Trade Union, and the Red Cross Society. Others have been organized by and exclusively for specific social or mass organizations.

54. The press, radio and television, both at the centre and in the provinces, have all devoted space to the Convention and the World Summit Declaration. Children's magazines and newspapers (Young Pioneer, For Children, and Pupil Flower among them), as well as books published by Kim Dong children's publishing house, have conveyed the provisions of the Convention to children using attractive and accessible formats and illustrations.

55. Vietnamese social and mass organizations, NGOs and international agencies have also played their part in publicizing the Convention at all levels through their own networks, some of which cover all provinces. Awareness has also been raised by recreational and artistic means: the composition and presentation of songs, drama, pictures and photographs, all with the participation of ordinary children and adults, have been very successful in this respect, and a competition on the Convention, organized by the CPCC,

UNICEF and Swedish Save the Children in cooperation with the children's magazine Young Pioneer is expected to generate further widespread interest.

56. Finally, research personnel and institutions have also been involved in Convention-related activities. Examples include the two national seminars on the protection, care and education of maladjusted, delinquent and vagrant children, organized in February 1992 in Hanoi and in May in Ho Chi Minh city, the former attracting 156 participants, many of them experts on children, and the latter 120.

D. Measures taken to draw the whole social community into participation in the implementation of the Convention

57. The nature of Viet Nam's history has enabled it to develop a nationwide capacity, of immense value in this area of work, to participate in and implement campaigns of a social orientation, and this capacity has been mobilized in the struggle to improve the lot of Vietnamese children. Campaigns relevant to this objective include those to increase mutual inter-household assistance and to improve the upbringing and education of children, both conducted largely through women's groups; the campaign to promote family planning and cohesion; the campaign for a "modern" 1/ way of life; the campaign to reduce malnutrition and the number of school drop-outs; the campaign to improve in-family upbringing of children; and, in Ho Chi Minh City, the campaign encouraging adults to set children good examples in their manners and behaviour, matched by a similar campaign in Hanoi.

58. Newly founded Vietnamese NGOs are playing increasingly important and diverse roles in this area of work: the Highland Education Development Organization (HEDO) concentrates on fund-raising and research to assist in providing education in mountainous areas; the Child Psychology Centre (known also as the NT Foundation) increases health workers' understanding of child psychology; the Ho Chi Minh City Children's Fund has done a considerable amount of work oriented to street children, including providing non-formal education, community development, surveys and training; and another group, the Social Work Research and Training Group, has begun to resuscitate awareness of the role and methods of social work that, after 1975, went into lengthy hibernation.

59. These activities have a dual effect. First of all, they change attitudes and encourage adults to adopt more responsible approaches to the protection, care and education of children and second, they mobilize human and material resources for child-related work, providing, for instance, funds for scholarships and other sponsorship of local children in need. This is particularly important in view of the fact that central funding of child health and education is simply insufficient: local contributions to such activities, often in-kind contributions, frequently amount to five or six times the value of the central Government's contribution. Vietnamese NGOs are also well placed to offer valuable complementary assistance in this kind of work.

E. International coordination and cooperation

60. Article 24 of the 1992 Constitution (which states that Viet Nam should seek always to increase and improve external economic relations as long as it is understood that the basis for these relations must be mutual respect for the independence, sovereignty and territorial integrity of the countries involved) and the 1987 Law on Foreign Investment have strengthened and, it is hoped, will continue to strengthen, cooperation between Viet Nam and other countries.

61. Article 14 of the 1992 Constitution, dealing with foreign policy, also provides for improved foreign relations (see para. 13 above).

62. One of the benefits of these new legal instruments has been that in recent years the number of agreements that Viet Nam has signed with international and foreign organizations to promote the rights and interests of the Vietnamese, including their children, in foreign countries, and to promote those of foreigners, also including children, in Viet Nam, has increased considerably. At the same time, Viet Nam has increased efforts to obtain assistance from foreign countries, international and bilateral agencies, NGOs and individual foreigners to improve Vietnamese children's lives. We cite as an example of this (see table 2 below) the growth in the volume of planned UNICEF assistance. Viet Nam's absorptive capacity for assistance continues also to grow, as expertise and awareness of the issues involved increase.

Table 2. Planned UNICEF assistance to Viet Nam in 1991 and 1992 (US$)

Project	1991	1992
Primary health care	5 100 000	5 300 000
Nutrition	1 500 000	1 680 000
Water and sanitation	6 550 000	6 950 000
Education	2 000 000	2 000 000
Women in development	365 000	365 000
Early childhood development	1 575 000	1 675 000
Disabled children	50 000	50 000
Capacity building	150 000	150 000
Communication	60 000	60 000
Programme support	570 000	570 000
Total	17 928 000	18 800 000

Source: UNICEF Hanoi.

II. DEFINITION OF THE CHILD

63. The Law on the Protection, Care and Education of Children defines children as all citizens under 16 years of age (art. 1). Other laws refer to different ages for the purposes of defining the extent of their application. Thus:

(a) The 1992 Constitution stipulates that all Vietnamese citizens 18 years old or more shall have the right to vote, and all citizens 21 years old or more shall be eligible for election to the National Assembly;

(b) The Law on Marriage and the Family states that the minimum ages for marriage are 20 years for men and 18 years for women. The same law also stipulates that parents shall have to pay indemnities for damage caused by illegal acts committed by any of their children under the age of 16;

(c) The Law on Military Service states that all citizens of 18 years of age or more shall be required to serve in the military;

(d) The Penal Code states that all people aged 14 or 15 years shall bear penal responsibility only for serious, intentional offences, but that they may not be sentenced either to life imprisonment or to capital punishment, whereas those aged 16 or more shall bear full penal responsibility for any offence they commit. It also stipulates that when the authorities seek information about criminal acts from witnesses under 15, their parents, legal representatives or teachers must be present;

(e) The Law on Nationality states that children of 15 or more but less than 18 years of age shall be consulted before their nationality is changed while, if they are under 15, their parents' change of nationality automatically entails their own change of nationality;

(f) The Law on the Universalization of Primary Education states that children from 6 to 14 years of age shall receive primary education and complete it (i.e. complete fifth grade);

(g) The Law on the Protection, Care and Education of Children (art. 14) prohibits gambling, smoking, or the use by children of other substances detrimental to health.

64. A Law on Labour is currently in the process of being drafted. This law will include a chapter on special kinds of labour, with provisions on child labour.

65. In general, the above-mentioned regulations have been respected. However, in the past two years, the number of under-age marriages (in some cases involving persons under 15 years of age) has risen. In remote areas it is more difficult to apply the relevant law, and under-age marriages are more common.

66. The short-term problems associated with the transition to a market economy and other problems, including unemployment and poverty, have had

negative effects on household incomes, and some children have in these circumstances been forced to leave school in order to enable them instead to contribute to their families' finances. Some children are in this way drawn into full-time farm work, but others turn to gambling and even prostitution. Drug abuse among children is also on the increase. The Government is aware of these problems, but lack of adequate finance or infrastructure prevents much important work to improve matters. The priority at this stage remains further investigation of these phenomena. At the same time, making diverse forms of education available (see section VII) has helped to facilitate the access of children, whatever their circumstances, to education.

III. GENERAL PRINCIPLES

A. Non-discrimination (Convention article 2)

1. Legal context

67. This principle is embodied in the following Vietnamese laws:

(a) The Law on the Protection, Care and Education of Children. Article 2 states that children, irrespective of sex and whether they are born in or outside wedlock, irrespective of nationality, religion, social origin or position, the political views of their parents or their guardians, shall enjoy protection, care, education and other rights stipulated by law. Article 6, paragraph 2, of the same law stresses that children of ethnic minorities, those living in mountainous regions, on islands and in other remote areas shall be afforded especially favourable conditions to promote the observance of their rights to protection, care and education;

(b) The Law on Marriage and the Family (art. 19) stipulates that there shall be no discrimination between children born in and outside wedlock. The same law upholds the difference between the minimum marriage age for men and that for women on the grounds that the pace of physiological and psychological development in men differs from that in women (art. 32).

2. Implementation

68. Decision 72/HDBT, adopted by the Council of Ministers in March 1990, has stressed that priority must be given to mountainous regions. Discrimination on the basis of ethnic or geographical origin is therefore not expected to be significant. However, the fact that infrastructure in remote and mountainous areas tends to be less developed than in lowland areas does effectively disadvantage children living in those areas. Investment in commune health centres and schools is therefore being increased, and extra support is being given to the provision of boarding facilities for ethnic minority children, to increase their access to school by reducing the need for travel between school and home. Attention is also being paid to improving the general level of culture in such areas, and the CPCC is soliciting assistance from international organizations to support the education, health care and nutrition of children in these areas.

69. The problem of discrimination on the basis of sex is more general. The influence of Confucianism is strong, and the traditionally high status of men

and the concomitant low status of women remains a serious problem. The State strongly opposes such discrimination, and the 1992 Constitution and Decision 176a/HDBT bear this out, but in practice discrimination against women and girls is still common, frequently resulting in much larger domestic responsibilities for girls than for boys and considerably reduced access to education for girls.

B. The best interests of the child (Convention article 3)

1. Legal context

70. This principle is embodied in the following legislation:

(a) The 1992 Constitution (art. 59) states that children shall pay no attendance fee for primary education;

(b) The Law on the Protection, Care and Education of Children states that children shall have priority where medical examination, care and treatment are concerned, and that children under six years old shall receive medical examination and treatment in State medical institutions free of charge (art. 9). The same law requires the State to allocate an appropriate part of its budget to the protection, care and education of children (art. 19) and the establishment of a fund for children for that purpose (art. 22, sect. 2). The same law also states that State agencies, social and mass organizations and all citizens are responsible for the protection of children's interests (arts. 19, 20, 21 and 22);

(c) The Penal Code lists circumstances under which punishment for crimes may be more severe than usual, one of which circumstances is harm to children (art. 39); it also lists extenuating circumstances (art. 59), among which is the commission of the crime in question by a child or children.

71. Generally speaking, the ratification of the Convention, the public announcement of the World Summit Declaration, the draft NPA and the Strategy for Socio-Economic Stabilization and Development, together with the promulgation of the laws on child protection and universalization of primary education, have all served to enhance the sense of responsibility that State agencies, social and mass organizations, families and individuals have for children; they have thus increased public awareness at all levels of the need to put the interests of children first.

2. Constraints

72. The main constraint in relation to this issue is the poverty of the country, which is still suffering the after-effects of prolonged war (one of which, health problems directly related to American use of chemical weapons, is particularly damaging to children).

73. In addition, inefficient practices associated with centrally planned economies have also had their impacts on the economy, while the transition to a market economy has not been entirely smooth and has given rise to other social and economic problems.

74. Furthermore, population growth continues to be rapid (2.2 per cent annually), and the 1995 target of 1.7 per cent annual population growth is still far off. This will require more effective publicity of the benefits of family planning and increased technical and medical resources.

75. Finally, ignorance as to the legal rights of the child persists, not only among individuals, but also among certain government authorities.

3. Future implementation

76. Apart from measures to improve the general status of the national economy, attention will have to be paid to:

(a) Reducing the rate of demographic growth to 1.7 per cent per annum by 1995;

(b) Developing adequate manpower, resources and infrastructure to increase access to social services, by more vigorously soliciting assistance from local government entities as well as Vietnamese, foreign and international humanitarian organizations, whose activities, already growing in importance, constitute a potentially very significant source of assistance, although mobilizing this assistance will require effective information programmes oriented to perceptions in the various target communities.

77. At the same time, it is important that Vietnamese monitoring, evaluation and research capacities, and knowledge of all topics of relevance to children, be improved. Viet Nam remains weak in these areas and would welcome any initiatives - such as workshops or training courses in Viet Nam or overseas - to improve the situation.

C. The right to life, survival and development (Convention article 6)

1. Legal context

78. Although these rights are implied by a number of the articles and laws already mentioned, more specific reference is made in the following:

(a) The 1992 Constitution (art. 67) states that disabled and orphaned children shall enjoy care and assistance provided by the State and society;

(b) The Law on the Protection, Care and Education of Children (art. 14) states that:

(i) The use by children of alcohol, tobacco and drugs that may damage their health is strictly prohibited, as is gambling by children; that

(ii) Encouraging or forcing children to gamble or to use tobacco, alcohol and harmful drugs is forbidden; and that

(iii) Encouraging or forcing children into prostitution and selling or otherwise permitting children access to decadent cultural materials or toys and games detrimental to their safe development, are all forbidden;

(c) The Penal Code (art. 59) states that children shall not be sentenced to death or to life imprisonment;

(d) The Law on Marriage and the Family states parents' responsibilities to their children, forbidding divorce if a child of the marriage is less than one year old. It also obliges divorced parents to continue necessary support of their children. With reference to adoption, the law states that the chief aim of adoption must be the benefit (i.e. the upbringing and education) of the children involved.

2. Implementation

79. In the past two years, many programmes have succeeded in reducing child mortality, morbidity and malnutrition as well as illiteracy and school drop-out rates. For more details, see sections VI and VII below.

3. Constraints

80. The same constraints as those already mentioned above apply here: high rates of illiteracy, failure at school, vagrancy and delinquency are due mainly to economic problems, false perceptions of how children should be cared for, and demographic growth outstripping economic growth.

D. Respect for the views of the child (Convention article 12)

1. Legal context

81. The following laws apply:

(a) The Law on the Protection, Care and Education of Children (art. 8, para. 1) states that children have the right to express their views and aspirations with regard to issues that concern them;

(b) The Law on Marriage and the Family (art. 36) states that the adoption of children above nine years old shall only proceed with their consent;

(c) The Law on Nationality (art. 12) states that children over the age of 15 shall be given the choice of retaining their original nationality or of changing it if their parents' naturalization offers them such a choice; below that age, children will automatically change their nationality if their parents do.

2. Implementation

82. Progress continues to be made in this area, assisted at grass-roots level by organizations such as the Pioneers, a children's organization through which children's opinions can be voiced to a wide audience. (See also sections IV E 2 and IV G 2 below).

3. Constraints

83. In remote areas, however, tradition continues to undermine the encouragement of respect for children's views, and even 14- or 15-year-olds' views are often ignored.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (Convention article 7)

1. Legal context

84. The following laws apply:

(a) The Law on Nationality (art. 6) states that children of Vietnamese citizens shall have Vietnamese nationality, irrespective of whether the child is born within or outside Vietnamese territory. If only one of the parents is a Vietnamese citizen but both have permanent residence in Viet Nam, the child will be eligible for Vietnamese nationality, although another nationality may be chosen for the child at the discretion of the parents. Article 14 of the same law permits adopted children born in Viet Nam but holding foreign citizenship to acquire Vietnamese nationality at the request of their adoptive parents, if at least one of the adoptive parents is a Vietnamese citizen. The legal status of children with parents of different nationality (i.e. one Vietnamese, one non-Vietnamese) remains problematic, but the Government of Viet Nam is in the process of negotiating agreements with foreign Governments to clarify this issue;

(b) The Law on the Care, Protection and Education of Children (art. 5) states that all children have the right to a birth certificate and a nationality;

(c) The Law on Marriage and the Family (art. 31) states that children born out of wedlock have the right to have the relationship between them and their parents publicly acknowledged, even if the parents are no longer living.

2. Implementation

85. Most children receive birth certificates and therefore official statements of their nationality. Birth certificates of newborn babies are delivered by the People's Committee of the commune in which the parents live. The procedure generally followed is that the maternity ward where the mother gives birth provides a preliminary certificate of birth, and the administrative authorities later provide the full birth certificate. Birth certificates of Vietnamese children born in foreign countries are provided by the Vietnamese diplomatic or consular mission concerned.

86. Newborn babies abandoned in hospital have their birth registered by the persons who agree to foster them, or by staff attached to concerned charity organizations (such as the SOS Village organization).

3. Constraints

87. A large number of families are still unaware of the importance of registering births, and so many children, especially those born at home rather than in hospital, receive no acknowledgement of their birth until they begin to attend school. In addition, some parents may fear the consequences of registering births, if, for example, they are below the minimum marriage age when the baby is born or if they are not married, or if they already have two children (the State-encouraged maximum).

4. Solutions

88. The main need here is for better and more widespread education as to the purposes and importance of registering births, although the planned simplification of the formalities involved (which will be effected by amendments to the 1961 legislation) will encourage more parents to register the birth of their children promptly. Administrative reforms, placing registries under the sole management of the Ministry of Justice, should also streamline the process of registration.

B. Preservation of identity (Convention article 8)

1. Legal context

89. Component elements of identity include name, nationality, and a large number of other characteristics. In Viet Nam, the laws on name, parentage and nationality (see previous section) protect the basic rights of all citizens; indeed, Viet Nam is more flexible in respect of names than many other countries, no legal measure stipulating from which parent the child must take her or his family name. Current regulations (art. 5, Law on the Care, Protection and Education of Children) state that the given and middle names of children up to the age of 16 may be changed officially only by the parents, subject to the child's consent.

2. Implementation

90. The established system functions well in defending this right.

C. Freedom of expression (Convention article 13)

91. Section III D above has already touched on this topic, but it can be repeated here that Vietnamese children have the right to express their views and do so through the mass media, children's organizations such as the Pioneers, and at school.

D. Access to appropriate information (Convention article 17)

1. Legal context

92. Articles 2 and 4 of the Law on the Press protect this right (see also section VII C below).

2. Implementation

93. Vietnamese children are given access to appropriate information in children's items occurring in the media, such as the "Little Flowers" programme on television and "Young Bamboo Buds" on the radio. In addition, there is a growing number of magazines and newspapers for children, with two new titles appearing in the last two years. Certain issues of interest to children are also of interest to adults, so may also appear in adult media.

94. The mass media, by publicizing exemplary individuals and behaviour, have proved very useful in the education of children. For example, last June, the national television network broadcast a series of three reports on a conference about how orphaned, disabled and street children overcome the special difficulties that they face. The reports revealed that, thanks largely to their own efforts but also with the help of relatives, charities and local authorities, these children in general succeed in making their way through school or in earning a living. Viewers were particularly moved by the pictures of a 14-year-old boy, paralysed in both hands, who uses his feet to write and who, in addition to being an excellent pupil, is also a skilled carpenter, making high quality wooden furniture.

3. Constraints

95. There is as yet no children's newspaper published in a minority language.

96. Shortages of funds have prevented satisfactory expansion in the diversity of children's material available in the mass media. The number of children's television programmes broadcast has fallen over the last two years, and a large number of local libraries have had to close, unable to pay for new books and periodicals.

97. Newspapers have gone up in price because of increases in the price of newsprint and sales have declined, particularly in rural areas.

98. Another worrying tendency is the increasingly common appearance in the press of items dealing with sex and violence, the justification for this being apparently that items of this sort attract more readers, an important consideration in the new market-oriented economic conditions of Viet Nam. These items are not suitable for children, but their appearance and children's access to them are difficult to control.

4. Solutions

99. The State has subsidized paper and other costs associated with publishing, and appeals have been made to foreigners, overseas Vietnamese and

local organizations to maintain a satisfactory supply of children's material. It has also set up a network whereby information of interest to children can be processed to make it available to them.

100. Provincial services, receptive to parents' feelings and those of the community at large, monitor local publications to ensure that their content is not harmful to children, and if they discover instances of damaging articles or publications, they communicate their concern to local CPCCs, who are in a good position to coordinate appropriate responses, which will, typically, involve the provincial culture, information and sports service, the Ministry of the Interior, and mass organizations. The fact that Mr. Nguyen Khanh, President of the CPCC and Vice-Chairman of the Council of Ministers, is also Chairman of the Committee for the Vietnamese Decade of Culture, helps to ensure that this coordination is smooth and efficient. Local seminars dealing with this problem and aiming particularly to alert locals to the dangers of children having access to unsuitable material take place whenever local events justify them.

E. Freedom of thought, belief and religion (Convention articles 14, 15 and 16)

1. Legal context

101. The following legislation applies:

(a) The 1992 Constitution (art. 70) protects the rights to freedom of thought, belief and religion, stating that citizens have the right to freedom of belief and religion or not to follow any religion; that all religions are equal before the law; and that it is illegal to infringe the freedom of religion or to take advantage of freedoms of belief and religion to act counter to State laws and policies;

(b) The Penal Code (art. 124) sets penalties for violations of freedom of belief and religion.

2. Implementation

102. In Viet Nam, a country of more than 50 ethnic groups, there are a considerable number of religions, the most popular ones being Buddhism, Catholicism and Protestantism. Children tend to adopt the religion of their parents, a right that has never been opposed. Participation in religious activities is free of State intervention, and the maintenance of some religious buildings has State support.

103. In addition, school activities and others promoted by a range of social and mass organizations (e.g. "Children's Teams", the Red Cross Society and the Pioneers organization) ensure that children have plenty of opportunity to discuss, express and practise the clear articulation of their views. This kind of activity is actively supported by the Government, especially in ethnic minority areas and wherever there is likely to be a local diversity of culture.

F. Freedom of association and of peaceful assembly (Convention article 15)

1. Legal context

104. The 1992 Constitution (art. 69) and the Penal Code (art. 124) set penalties for infringement of the rights of assembly and association.

2. Implementation

105. Vietnamese children have their own associations, especially for sports and artistic activities. These include the Pioneers, the "Little Star" association, and the Pioneers' Red Cross Teams (the latter sponsored by the Red Cross Society). The national Phu Dong Sports Festival (named after a legendary boy hero) is a particularly popular annual sports event for children and adults alike.

3. Constraints

106. Although no violations of this right have been reported, economic difficulties have been experienced by children's organizations, and consequently their ability to attract children to participate in the activities they offer has declined. More attention needs to be paid in particular to improving the network of children's culture houses.

G. Protection of privacy (Convention article 16)

1. Legal context

107. The 1992 Constitution (arts. 73 and 74), and the Penal Code (art. 120) defend the right to privacy.

2. Implementation

108. In general, children in Viet Nam have the right of protection of privacy, but some families do not respect it, especially where children aged between 13 and 16 are concerned. Children themselves, however, are showing increasing interest in protecting this right, and may publicize infringements of it through the Pioneers organization, television, radio, children's magazines and even petitions. ("Young Pioneer", the newspaper of the Pioneer organization, reports that in 1991, 50 letters were received from children complaining about violation of privacy; this year about 20 such letters have been received.)

H. The right not to be subjected to torture or other cruel, inhuman and degrading treatment or punishment (Convention article 37a)

1. Legal context

109. Article 234 of the Penal Code sets out punishments for beating, torturing or forcing confessions from children.

2. Implementation

110. In general, the provisions of the Penal Code are adhered to, but some prison guards are known still to beat detained children. In families and the community at large, injuries to the children's body and human dignity still occur and are left unpunished, despite the universal repugnance with which such acts are viewed.

111. It is difficult to find accurate information about infringements of this right, but cases have been reported in three provinces (one or two cases in each).

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

112. In Viet Nam, the interaction between tradition - in particular, Confucianism - and more modern outlooks (the latter more important in urban than in rural areas) results in a family household typically consisting of three generations. Implementation of the Convention on the Rights of the Child implies two main targets for the family: that it be a democratic, harmonious and happy setting for the raising of children, and that each couple have a maximum of two children.

A. Parental responsibilities (Convention article 18, paragraphs 1 and 2)

1. Legal context

113. The following legislation applies:

(a) The 1992 Constitution (art. 64) states that parents have an obligation to bring up their children as good citizens;

(b) The Law on Marriage and the Family (art. 2) also states this, and in article 19 states that parents have an obligation to care for, bring up and educate their children, as well as to assist them to develop their intellectual faculties, physical fitness and morals in a healthy manner. Parents must set a good example in all matters and must closely coordinate their actions with educational institutions and social organizations in the education of their children;

(c) The Law on the Protection, Care and Education of the Child (art. 3) states that responsibility for the protection, care and education of the child rests with the family, schools, other State institutions, social organizations and individual citizens.

2. Implementation

114. The National Programme on Population and Family Planning sets the goal of reducing demographic growth to 1.7 per cent per year by 1995, and formulates a strategy. In line with this strategy, married couples are being strongly encouraged to have no more than two children. The annual population growth rate has fallen from 3.3 per cent in 1979 to 2.2 per cent in 1991, and over the same period the average number of children per post-menopausal mother from 4.8 to 4.

115. An important campaign launched by MOCIS to promote "modern" ways of life (see footnote, para. 57 above) aims to promote the best of both traditional and modern practices relating to the home, the neighbourhood, and education.

116. Since 1991 the Government has implemented a programme to prevent shortages of rice and reduce poverty. This programme assists poor farmers by making loans from agricultural banks available to them, backed by guarantees provided by social organizations.

117. Among the mass organizations, the Women's Union has been especially active. It has edited the booklet "Facts for Life" to suit Vietnamese conditions, and 90,000 copies in Vietnamese and 15,000 in minority languages have been published and distributed; the book is a very popular resource at conferences and other gatherings concerned with maternal and child health, both at central and grass-roots levels. Additionally, 250 cassette tapes and 12,800 leaflets and brochures have been disseminated, and 52 courses, for a total of 1,240 grass-roots-level communicators, have taken place. The Women's Union has also taken part in joint efforts, involving a number of other Vietnamese and foreign or international organizations, to formulate a programme on maternal education, which has seen 23,529 courses on child care run for a total of 1,656,977 mothers in 1990 and 1991. An element of this programme, a campaign initiated by the Women's Union to encourage mutual child care and household assistance among women, has received support from international organizations.

118. Two annual national competitions, one to select the mothers that best bring up their children, and the other to find the healthiest and most beautiful child, have been very successful in publicizing good child care methods.

119. Schools and families coordinate the education and upbringing they offer at frequent meetings between parents and teachers.

B. Separation from parents (Convention article 9) 2/

1. Legal context

120. The following laws apply:

(a) The Law on the Protection, Care and Education of Children (art. 7) states that children have the right to live with their parents, and that no one has the right to force children to be separated from their parents, except in the best interests of the child or children concerned. If both parents are imprisoned at the same time, the children's care will be delegated to other members of the family; children have the right to visit imprisoned parents regularly;

(b) The Law on Marriage and the Family (art. 44) states that paternal rights and responsibilities with respect to children continue after divorce. The same law (art. 45) states that the prime criterion in deciding, in cases of divorce, which parent the children should live with during their upbringing are the children's best interests. Unweaned babies should in principle be entrusted to their mothers for breast-feeding. The decision that the children

be brought up by one parent does not absolve the other parent of her/his responsibilities to the children concerned, which will involve visiting the children, offering care for them when appropriate, and contributing to the costs of their education and upbringing.

2. Implementation

121. Divorce and separation are serious issues. A 1989 survey revealed that there were 213,692 divorced and 238,352 separated people in Viet Nam in that year. Furthermore, divorce seems to be increasing, with 31,000 couples filing for divorce in 1990 and 39,000 in 1991. The Women's Union and Justice branches have accordingly organized counselling centres where couples considering divorce are encouraged to consider carefully all the implications of such a step, especially as they may relate to any children involved. With a similar aim in mind - preventing divorce - the Fatherland Front has "reconciliation teams" at village level, whose role is to help couples settle their differences in the most satisfactory way for all concerned.

122. As far as the problem of lost or runaway children is concerned, the mass media play an important role in locating them and seeing that they return safely to their families, with daily items on the subject.

123. Regarding the problem of separation of children from their parents because of imprisonment, courts do not imprison nursing mothers, but postpone the sentence until their babies have been weaned.

C. Family reunification (Convention article 10) 3/

1. Legal context

124. The 1992 Constitution (art. 68) recognizes the citizen's right to go to foreign countries and to return from foreign countries to their homeland.

2. Implementation

125. The Orderly Departure Programme (ODP), signed originally between Viet Nam and the Office of the United Nations High Commissioner for Refugees (UNHCR) but now managed through the International Organization for Migration (IOM), deals largely with people who, having worked before 1975 with the Saigon regime, wish to leave Viet Nam to settle overseas. The programme continues to operate smoothly.

D. Recovery of expenses associated with child care in cases of divorce (Convention article 27, paragraph 4)

126. The Law on Marriage and the Family (art. 45) states that in cases of divorce, the parent without custody of the child or children concerned must make financial contributions to the expense of bringing the children up. In cases of default, courts may require payment of the sums due and in extreme cases may make deductions directly from the defaulter's salary.

E. Children deprived of a family environment (Convention article 20)

127. Of the approximately 100,000 orphans in Viet Nam, 50 per cent are street children, according to MOLISA. In Hanoi alone, there are reported to be 5,500 street children, and 15,000 in Ho Chi Minh City. Another report states that 27 per cent of all vagrants are children.

1. Legal context

128. Chapter 8 of the Law on Marriage and the Family focuses on guardianship, which is seen to be necessary when living parents are assessed as unable to provide their children with the care and protection they need. The guardian is obliged to care for and educate the protected juvenile as well as to attend to her/his properties, act on her/his behalf before the law and defend all her/his interests. The guardian may either be an individual citizen, a competent State authority or a social organization. If the parents or relatives of the child cannot appoint a guardian, the State will do so, but article 27 does state that, if the parents are dead, grandparents must take responsibility for the children. Article 27 also states that siblings in such circumstances have mutual responsibilities. They also have the right not to be separated in the event of adoption, and to inherit whatever property their parents left them, when they come of age. They may also, if this kind of assistance is appropriate (i.e. when one of the siblings is relatively mature and thus in a position to provide substantial care for the younger sibling without outside help) continue to live in their parents' home, receiving assistance from visiting relatives.

2. Implementation

129. Of all children in Viet Nam not living with their immediate family, 29 per cent are supported by relatives, neighbours or fellow villagers; 4 per cent have been adopted by other families with no or relatively few children; 9 per cent have been placed under the guardianship of the State; and roughly 0.15 per cent (500 children) live in SOS villages or orphanages funded by other international or foreign organizations. Additional support includes assistance for approximately 2,000 orphans and disabled children from other orphanages and social support centres; approximately 10,000 grants or allowances made available to children in need, each worth between 5,000 and 10,000 dong per month; and more than 600 special classes teaching 12,000 poor, orphaned or disabled children in 20 provinces and cities.

3. Constraints

130. A major constraint on effective action in this area is the fact that it is extremely difficult to assess how many children fall into this category, or where they are, since they often become street children and very difficult to trace. A comprehensive national survey might be able to help, but since it would take a considerable amount of time to conduct, might be of only limited value.

131. Another constraint is lack of funds, particularly central funding. Most funding is provided by provincial authorities, particularly labour, invalids and social affairs services.

132. For further information see section VIII below.

F. Adoption (Convention article 21)

1. Legal context

133. Chapter 6 of the Law on Marriage and the Family states that the adoption of a child over the age of 9 must be subject to the child's consent, and that only children under the age of 15 may be adopted, unless the adoptive parents are war invalids, disabled or old people, in which case the adoptee must be at least 20 years younger than the adoptive parent.

134. On 29 April 1992 a provisional regulation on the adoption by foreigners of orphaned or disabled Vietnamese was issued by the Council of Ministers.

2. Implementation

135. According to MOLISA figures up to August 1992, of all children adopted by foreigners, roughly 40 per cent are adopted by Scandinavians, another 40 per cent by other Western Europeans, and about 20 per cent by North Americans. The provisional regulation referred to above aims primarily to improve the control of adoption and the monitoring of adoptees' progress.

G. Illicit transfer and non-return of children (Convention article 11)

1. Legal context

136. The Law on the Protection, Care and Education of Children (art. 7) states that taking a child abroad or bringing her/him into Viet Nam must be effected in accordance with the law. Punishment of violation of this article is detailed in the Penal Code, article 149 of which states that anyone convicted of kidnapping or trading in children and, in the process of illegally removing them from Viet Nam shall be sentenced to between 5 and 20 years' imprisonment.

2. Implementation

137. Kidnapping of Vietnamese children and their sale abroad is extremely difficult to control because of the length of Viet Nam's land borders, and it is difficult to say how many cases occur every year. This is an issue that will require international cooperation to solve.

138. Illegal departure from Viet Nam is most commonly effected by boat. Departures by these "boat people" have recently been stemmed very effectively by joint European Community and MOLISA publicity campaigns, and the economic migrants among the boat people have begun to return to Viet Nam, assisted by programmes supported by the European Community, MOLISA and the Scandinavian consortium of NGOs, Nordic Assistance to Repatriated Vietnamese (NARV). The European Community programme offers vocational training and credit to returnees, as well as monitoring their reintegration carefully.

139. There are large numbers of unaccompanied minors living in refugee camps overseas, many of whom will shortly be returning to Viet Nam. Both the conditions these children experience in the camps and the process of their reintegration in Viet Nam give cause for concern (see section VIII A below).

H. Abuse and neglect of children, and their physical and psychological rehabilitation and social reintegration (Convention articles 19 and 39)

1. Legal context

140. The following laws apply:

(a) The Law on the Protection, Care and Education of Children (art. 8) stipulates that the State and society shall respect and protect the life, physical safety, dignity and honour of children. Their ill-treatment, humiliation, neglect or abandonment, and kidnapping or trading in children or encouraging or forcing them to commit acts detrimental to their healthy development, are all strictly prohibited;

(b) The Law on Marriage and the Family (art. 26) states that a parent convicted of violating the physical safety and dignity of the child or of serious ill-treatment or humiliation of the child may, by the decision of a People's Court, be deprived of her/his right to take care of and educate the child or to manage the child's property or to represent the child, for between one and five years;

(c) The Penal Code stipulates in a number of articles the penalties for abandoning or murdering children, intentionally causing injury or damage to other people, torturing other people, having sexual intercourse with people under 16 years of age and for torturing children.

2. Implementation

141. Traditional attitudes to children and recent publicity campaigns have resulted in fierce denunciations of maltreatment of children when it occurs. Any individual or social organization can sponsor the prosecution of violators of the laws concerned and may supervise the execution of the court's verdict. Unfortunately, this widespread involvement in the protection of children from these abuses fails to prevent all abuse, and girl children appear to be particularly at risk. Exact information about the incidence of this abuse is naturally hard to obtain, despite the fact that at grass-roots level there is close coordination between all the relevant authorities (police, mass organizations, teachers, families and others).

142. Considerable attention is also paid to the social rehabilitation (usually assisted by the mass and social organizations) of children who break the law, with particular emphasis laid on giving such children the opportunity to repent their misdeeds. Again, the CPCC has been unable to obtain exact figures on the number of children in this category or the nature of the support offered.

I. Regular review of arrangements for children not living with their immediate family

143. Article 50 of the Law on Marriage and the Family clearly stipulates that any citizen acting as a guardian shall be subject to supervision by the local People's Committee.

144. It is standard practice for arrangements concerning children in orphanages sponsored by local and international organizations to be reviewed regularly.

J. Viet Nam's fulfilment of child rights concerning the family environment and alternative care: comments and concerns

1. Legal framework

145. Despite a profusion of legal instruments on paper, economic problems, an absence of clear guidelines as to how to apply the law, and inadequate civic education mean that in practice the law is not applied thoroughly or uniformly.

2. Government policy

146. There is a general need for policies concerning the care of the child to occupy a more central position in relation to overall government policy, and for them to be better integrated with all relevant government activity.

147. The policy in regard to supporting the development of the household economy must pay more attention to families in special need.

148. Population and family planning policies will only succeed if the technical and material needs involved are met. This includes the provision of effective medical care for women and the availability to them of a choice of birth control techniques.

3. Funding

149. Government spending on social policies is limited by Viet Nam's economic situation. It is therefore essential that more attention be devoted to the soliciting of funding for these activities from sources other than the State budget.

4. Monitoring and evaluation

150. Monitoring and evaluation of child-oriented activities is at present poor, yielding incomplete, inconsistent and/or out-of-date information. The improvement of monitoring and evaluation systems and techniques is a vital priority.

5. Social attitudes and change

151. The shift to market-oriented economics and the open-door policy associated with it have, in the absence of accompanying social and cultural

enrichment, had some negative impact on Vietnamese society. This includes the spread of superstition, gambling, drug and alcohol addiction, prostitution, and crime in general. Urgent measures are needed to minimize their effect on children.

152. According to research conducted by the Women's Union, of 2,165 mothers surveyed in a number of localities, 37 per cent had received no training in child rearing, and did not have the basic knowledge of child care necessary to ensure that their children's development would not suffer as a result of the parents' ignorance of these matters. The Women's Union and other institutions including the Institute of Early Childhood Education and Hanoi Teacher Training College Number 1 are accordingly stepping up the provision of courses in child rearing, but other problems, such as lack of respect for the child, physical abuse or over-indulgence of the child, necessitate separate programmes.

153. While protracted military struggle was until recently the main reason for the large number of single-parent families in Viet Nam, rising rates of divorce and separation threaten to perpetuate the situation.

6. Summary

154. Most of these serious problems can be traced back to two main factors: poverty and some difficulties in the transition to a market economy. It is to be hoped that, in the future, economic transition having largely been achieved, prosperity will increase; meanwhile, action is urgently needed to address the problems listed above.

VI. BASIC HEALTH AND WELFARE

A. Survival and development (Convention article 6, paragraph 2)

1. Legal context

155. The following laws apply:

(a) The Law on the Protection of Public Health (art. 46) states that the child is entitled to medical examination and treatment, as well as vaccination against certain diseases. Parents (whether natural or adoptive) have an obligation to care for the child's health and to follow instructions given by physicians, while public health authorities are responsible for the development and consolidation of the system of health care and thus also for protecting the child from disease. Child health care should normally be provided in the first instance by the local health centre. Article 47 of the same law stipulates that MOH and MOLISA are entrusted with the care and rehabilitation of disabled children;

(b) The Law on the Protection, Care and Education of Children (art. 9) states that children under the age of six are entitled to primary health care and free medical treatment at State health facilities. Conditions under which child labour is legal are clearly defined, to ensure that employment of minors will not adversely affect their development;

(c) The draft NPA states five objectives relevant to child health, out of a total of seven, to be achieved by the year 2000.

2. Organizational network

156. The organizational network concerned with child health consists of the following:

(a) Hospitals and health centres from central down to village level;

(b) At provincial and district levels, a coordinated network of offices reporting to the Department for Child Health Care and Family Planning at the MOH at central level;

(c) A hygiene and epidemiology network implementing preventive health care measures from the centre to the grass-roots;

(d) A number of specialized institutes developing and implementing programmes related to child health in conjunction with the MOH; and

(e) A system for the monitoring and coordination of child-oriented activities reporting through CPCC-affiliated agencies at provincial, district and commune levels to the CPCC at central level. This system, one of whose functions is to monitor the implementation of the Convention on the Rights of the Child, is closely associated with the network mentioned in the previous paragraph.

3. Implementation

157. A number of programmes designed to mitigate the effects of certain diseases, and especially those diseases that affect pregnant women and children under five most seriously, have been operative in Viet Nam for some years. Some, in particular the expanded programme of immunization against the six main diseases of infancy (EPI), the programme to control diarrhoeal disease (CDD), and initiatives in community-based nutrition, have enjoyed considerable support from UNICEF, the World Health Organization (WHO) and the World Food Programme.

158. According to the MOH, EPI coverage has increased from between 30 and 50 per cent in 1986 to over 80 per cent in 1990. Infant mortality and morbidity rates have been correspondingly reduced.

159. MOH figures reveal improvements in hospital treatment of diarrhoea, with the proportion of under-five deaths in hospital due to diarrhoea falling from 18.8 per cent in 1986/87 to 10.4 per cent in 1991. The proportion of under-five hospital admissions due to diarrhoea has also fallen, over the same period, from 19.8 per cent to 16.4 per cent.

160. The incidence of malnutrition has fallen, over the same period, from 51.2 per cent to 41.8 per cent; severe and very severe malnutrition currently afflict 14.3 per cent of children (data: National Institute for Nutrition).

161. The proportion of children dying from rheumatic fever and rheumatic heart disease in 1990 was 2.3 per cent, which compares very favourably with the 1980 figure of 12 per cent (MOH figures).

162. Significant progress has been made in reducing mortality and morbidity caused by under-five acute respiratory infections.

163. Progress in the areas listed above has brought the infant mortality rate down from 80 per 1,000 live births in 1980 to 46 per 1,000 live births in 1990 (UNICEF figures).

164. According to the National Institution for Nutrition, 14 per cent of babies born in 1990 were underweight (i.e. weighing less than 2,500 grammes). A frequently associated condition, anaemia in pregnant women, affected 41.2 and 48.8 per cent of women in urban and rural areas respectively in 1990 (National Institute of Nutrition).

165. Malaria and meningitis have returned to areas previously free of these two diseases. They are now found in many areas in the north, in the Mekong delta and the central highlands. Both these diseases have disastrous effects on the health of women and children.

166. Goitre is endemic in 17 provinces, affecting roughly ten million people. Iodine deficiency affects roughly 50 per cent of children in the 7 to 15 age range in mountainous areas, and roughly 20 per cent of children up to six. These figures are only approximate: because of the nature of the areas in which iodine deficiency is most serious (i.e. inland, mountainous and remote), it is difficult both to obtain accurate information and to tackle the problem as effectively as is needed. For this reason, the national incidence of cretinism is not known, but local surveys have identified incidence rates of between 0.8 and 7 per cent.

167. The incidence of dry eye and corneal ulcer attributable to vitamin A deficiency is 0.07 per cent, seven times the WHO norm. Particularly badly affected are children aged between 12 and 36 months. The programme to control vitamin A deficiency is currently operative in more than 1,000 villages and in all ophthalmology wards and clinics throughout the country. Particular emphasis is laid on providing lactating mothers and children under three years old with sufficient quantities of supplementary vitamin A.

168. At least 40 per cent of children (this information applies only to the north of the country) are affected by trachoma.

169. Local surveys suggest that between 69 and 94 per cent of children are infested with intestinal parasites.

170. Palatial infection reportedly (MOH, 1990) affects 40.7 per cent of children in the north and 84 per cent in the south.

171. Some of these figures are encouraging, as are other aspects of developments in child-oriented health care, such as the very effective coordination between certain State institutions and mass and social organizations (especially the Women's Union and the Red Cross Society).

However, the general status of child health permits no complacency. While only time will improve the national economy and the poor living standards that are largely responsible for the child health problems listed above, education programmes to improve domestic care of children can be stepped up immediately, and should be.

B. Safe water and sanitation

172. Thirty-five years ago, the Government launched the three-target campaign "Water-well, latrine and bath-house", but results were modest. Since 1982, UNICEF has been assisting Viet Nam with the rural water supply programme and this has been more successful, with 33,000 wells in use in 1991, each one serving between 250 and 300 people, in 27 provinces. In 1992, the programme expanded into ten more provinces. Despite this assistance, water-borne diseases remain a major threat to child health. Safe water and sanitation therefore continue to constitute areas of priority concern, and need to be better integrated in the wider context of other primary health care activities.

C. Disabled children (Convention article 23)

173. Data from MOH and MOLISA (based, admittedly, on a survey of only seven provinces) and from the general census of 1989 reveal that in 1990 there were roughly 6 million disabled adults and children in Viet Nam, approximately 2 million of them in need of rehabilitation. This and other information has been used to guide the design and implementation of a community-based rehabilitation programme intended to rehabilitate children suffering from both congenital and acquired disability, which now operates in ten provinces. To date, 113,090 children have benefited from the programme, 74 per cent of them now able to attend school, 81 per cent of them fully reintegrated into society and 85 per cent of them effectively self-sufficient, independent individuals.

174. At present, there are ten rehabilitation centres in Viet Nam, with a total annual capacity of over 2,500 children. There are approximately one million disabled children (MOLISA, 1992).

175. In Hanoi there are two special schools for disabled children, the Nguyen Dinh Chieu school for blind children and the Xa Dan school for deaf and dumb children, which between them enrol approximately 150 children per year. The CPCC, in coordination with MOLISA, MOH, MOET and UNICEF, hopes to persuade the Government to establish more such schools, but shortage of funds and equipment prevent, at present, further expansion of the rehabilitation programme.

176. Mass organizations, however, play an important role in supplementing these activities, by fund-raising at certain designated times such as during the summer holidays and the mid-Autumn festival and on the first day of the new school year, the funds so raised then being used to buy clothes, school equipment and learning aids for disabled children. Additionally, schools for the blind, deaf and dumb, funded entirely by private donations, have been set up, as has an adoption programme for disabled children.

177. However, of the 600,000 deaf, dumb or blind children in Viet Nam, many have yet to receive adequate care. Only one third of provinces and cities are able to provide education or training for them.

178. In order to expand the provision of suitable care and education for these children into all localities in the country, adequate plans based on situation analysis must be prepared, and assistance sought from all charitable and humanitarian sources both within and outside Viet Nam.

D. Health status of Vietnamese children

179. The health status of Vietnamese children is disturbing. Figures on malnutrition, maternal anaemia and low birthweight have already been given. It should be added that in 1989 children of normal or below-normal weight (as assessed using the World Health Organization's body mass index) accounted for 86.65 per cent of all children according to a study conducted in that year by the National Institute for Nutrition.

180. The table below gives mean heights and weights of seven-year-old children of both sexes in Hanoi and rural areas. These figures should be compared with figures for seven-year-old children in developed countries.

Table 3. Mean heights and weights of boys and girls in Hanoi and rural areas

	Height(cm)		Weight(kg)	
	Girls	Boys	Girls	Boys
Hanoi	114.5[1]	114.9[3]	17.8[5]	18.4[7]
Rural areas	111.5[2]	112.2[4]	17.1[6]	17.7[8]

Notes indicate standard deviations (s)
1: s = 6.6 cm 5: s = 2.0 kg
2: s = 4.2 cm 6: s = 1.7 kg
3: s = 4.3 cm 7: s = 1.9 kg
4: s = 3.9 cm 8: s = 2.7 kg
Source: Institute for Nutrition, 1989

E. Budgetary and other provisions

181. In response to these and other disturbing indices of child health, the Government increased the budget for health from US$ 53.1 million in 1989 to US$ 60.3 million in 1990. The provision of medical equipment to health facilities, research into the health status of and most common diseases among schoolchildren, and the dissemination of information on health and nutrition have all benefited from this increased funding.

F. Social security

182. Three new laws on pharmaceutical probity and reliability, food safety and hygiene, and child health insurance are in the process of preparation. Of particular concern is the issue of contamination of food with chemicals such as DDT and others used in agriculture. Consultation with the public is hoped to ensure that these laws are framed as effectively as possible.

183. All schoolchildren are insured by the Vietnam Insurance Company against injury or sickness.

G. Living standards (Convention article 27, paragraphs 1, 2 and 3)

184. Average per capita income in Viet Nam is estimated at approximately US$ 200. Approximately 8.5 per cent of households are permanently short of food, achieving an average daily food intake per person (taking account of seasonal fluctuations) of 1,500 kilocalories or less; between 14 and 15 per cent of households manage an average daily intake per person of between 1,500 and 1,800 kilocalories. These average figures conceal the fact, however, that in poorer and disaster-prone areas, up to 33.2 per cent of families suffer even more severe malnutrition for between seven and eight months every year.

H. Constraints on the effective protection of children's health

185. A number of obstacles, some more structural than others, confront any attempts to improve the status of child health on a national scale. They are:

(a) National economic underdevelopment, which has constrained improvements in living conditions as well as keeping salaries for health staff very low;

(b) Rapid population growth;

(c) Under-funding of social policies that need to reach 30 million children, resulting in a serious lack of medical programmes, facilities and equipment, with 1,400 communes still lacking health centres (for figures indicating shortfall in provision in some mountainous areas, see table 4); the Government has yet to identify sources of between 60 and 70 per cent of the funds required for child health care during the period 1991-2000;

(d) Inadequate data. Lack of funds to conduct research and channel its results to the appropriate organizations results in an effective lack of information;

(e) Poor coordination and division of responsibility among ministries, agencies and mass and social organizations;

(f) Inadequate training of health practitioners and monitors; and

(g) Levels of funding too low to allow the mass media to play their full role in improving awareness of child health issues.

Table 4. Shortfall in three aspects of health care provision in eight mountainous provinces

Province	Number of communes	Communes without a health centre	Communes without a junior doctor	Communes without a midwife
Ha Tuyen	310	15	17	136
Cao Bang	216	34	32	68
Lang Son	219	110	60	183
Hoang Lien Son	332	47	138	318
Son La	196	29	60	29
Gia Lai-Kontum	not known	not known	107	150
Dack Lack	not known	not known	34	98
Lam Dong	106	11	23	74

Source: MOH; 1990

186. To overcome these obstacles, efforts will have to be directed towards the mobilization of funds from Vietnamese and external sources of assistance; training to improve the capacities of concerned staff members should also be a priority.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (Convention article 28)

1. Legal context

187. The 1992 Constitution (art. 35) states that education and training are of paramount national importance.

188. With respect to the Law on the Universalization of Primary Education:

(a) Article 1 states that primary education (i.e. from first to fifth grade) is compulsory for every Vietnamese child between the ages of six and ten years;

(b) Article 2 states that primary education constitutes the basic level of the national education system, whose function is to forge and develop the

sentiments, intellectual virtues and faculties, physical fitness and aesthetics of the child so as to lay the foundations for the shaping of a truly Vietnamese socialist personality;

(c) Article 5 requires the State to provide adequate funding for the universalization of primary education, mobilizing financial assistance from society at large to establish a National Education Fund;

(d) Article 4 states that ethnic minorities have the right to use their own ethnic languages and scripts together with Vietnamese in primary education;

(e) Article 6 requires the State to ensure that primary education is universalized in ethnic minority, remote and island areas, and in areas facing special difficulties;

(f) Article 12 states that every child with Vietnamese citizenship shall, while overseas, enjoy conditions necessary for her/him to obtain primary education, these conditions provided by the parents or legal guardians assisted by the Government of the foreign country concerned. Foreign children living in Viet Nam whose parents or legal guardians wish them to receive primary education from a Vietnamese school shall if necessary receive assistance from the State to enable them to do so.

2. Implementation

189. In 1991, 28.8 per cent of children between three and five years old attended kindergarten, which, in the final year, prepares children for entry at age six into the first grade of primary education. In the same school year (i.e. 1991/92), 87 per cent of children from six to ten years old attended primary school, a total of 9,105,000 pupils. This compares favourably with the 1989/90 figure of 8,583,000.

190. Every year, approximately 200,000 children enrol in lunch-time, evening and other primary-level classes associated directly with charities and other social or mass organizations, and a further 300,000 enrol in primary-level classes more directly associated with MOET facilities and personnel, such as evening classes.

191. Provision of multigrade classes has expanded into 23 districts of 15 provinces (1992). The previous year such classes were available only in 13 districts in 7 provinces.

192. The quality of education, as measured by examination results and completion rates, has improved in major cities and the river delta provinces, especially at grades 1 and 2. In well-run schools, the completion rate reaches 90 per cent, so-called "advanced learners" accounting for 75 per cent of all pupils successfully completing their primary education. However by mid-1991, only five provinces and cities (Hanoi, Thai Binh, Ha Nam Ninh, Hai Phong and Hai Hung), accounting for a total population of 12 million, had achieved the goal of universalization of primary education, and repetition and drop-out rates are rising, as the table below shows:

Table 5: Drop-out and repeat rate in primary education, 1987-1990

School year	Repeaters (%)	Drop-outs (%)
1987/88	8.89	9.5
1989/90	10.62	12.3
1990/91	10.75	13.4

Furthermore, in Viet Nam as a whole, only 60 per cent of pupils that enrol in primary education complete the full five-grade cycle. In some areas the local figure may be as high as 85 or 90 per cent, but in mountainous areas and in some parts of the Mekong delta it amounts only to 40 per cent.

193. Fortunately, the State education budget is growing: for the school year 1991/92 it was 660 billion dong, which compares well with the 518 billion dong budgeted for the previous school year. The national education budget is supplemented by provincial funds. Provinces allocate a large proportion (usually between 30 and 40 per cent) of their total budget to education, often economising in some areas (reducing spending on, for example, administration or conferences and meetings) and raising additional funds locally (one common way of doing this is imposing an additional local tax on certain luxury items) to increase the funds available for education.

194. Additionally, the Government allows certain activities and products to be taxed at a lower rate because of their intrinsic importance to education. Thus, the publication of textbooks is taxed at lower rates than that of other books and the production and service units attached to educational institutions (and which often generate for these institutions considerable sums of money) enjoy similar concessions.

195. In 1991 the State began funding of three important educational programmes focusing on universalization of primary education and the eradication of illiteracy, improving educational provision in mountainous areas and generalized improvement of facilities and teaching methods in all schools. Improvements in the provision of education are most urgently needed in mountainous and other remote areas, which is why the 1992 budget for these three programmes' activities in mountainous areas alone has risen to 100 billion dong. In the school year 1990/91, 12 billion dong was spent on providing free textbooks for ethnic minority and impoverished students.

196. Because the population of these areas tends to be much more scattered than in lowland areas, travel between home and conventional schools presents serious problems, and is one of the reasons for the relatively low attendance rates recorded in mountainous areas. The Government's response has been to provide boarding facilities for students attending conventional schools, although this multiplies the cost of education by a factor of 15 or 16 for each boarder. The Government is also promoting more dispersed provision of education in smaller, so-called "multigrade" schools, often consisting of one teacher and one classroom, and up to 25 students requiring tuition at all five primary grade-levels. Coverage, however, remains very low in comparison with need.

197. One final perceived constraint on the effective provision of education in remote areas is the language problem. The Government has accordingly decided to begin teaching certain minority languages (Mujone and Thai in the north, Bana and Ede in the central highlands) alongside the Kinh (or "Vietnamese") language.

198. Vietnamese law makes effective provision for special education for unusually gifted children allowing them to attend special classes, to start school earlier than normal, and to "skip" grades if their performance in school indicates that they merit it. The success of this flexible approach is borne out by the number of Vietnamese children that have won prizes at international competitions (particularly for maths, science, music and chess) despite the general scarcity of modern teaching methods and equipment.

199. The Government encourages diversity of educational provision for more "run-of-the-mill" children as well, and for children in particularly difficult circumstances. The full spectrum of educational provision thus includes, in addition to the forms mentioned above, classes offered by charitable organizations for street and working children, often at times more congenial to the pupils than conventional school hours, and private (for example the Luong The Vinh school in Hanoi) and semi-private schools and vocational training facilities. Popular areas of study at these semi-private centres include languages (especially English and French) and technical skills such as motorcycle maintenance and computing. In addition, the Government has introduced three different teaching curricula for different types of State primary school: pupils at standard primary schools in cities and delta areas complete their five-year programmes of study in 165 weeks, while pupils at school in remote and mountainous areas, and orphans or other children in especially difficult circumstances complete theirs in only 120 or 100 weeks of attendance over the five-year period.

200. International cooperation has proved of great value in the provision of education in Viet Nam. UNICEF's assistance with the universalization of primary education, multigrade teaching, and the eradication of illiteracy is particularly appreciated; NGOs (such as the Swedish Save the Children, which has been active in facilitating the reintegration of drop-outs into normal school) have also contributed to improving the situation.

3. Constraints

201. Despite the fact that it is increasing in size, the education budget simply does not permit adequate provision of educational services. Hardest hit are the remote and ethnic minority areas and the Mekong delta, but scarcity of basic facilities is universal. Double- and even triple-shift timetables (necessitated by the shortage of classrooms) are not unknown even in Hanoi. Shortage of funds has negative impacts not only on the provision of buildings, equipment and materials, but also on staffing, enrolment and attendance.

202. The serious shortage of fully qualified teachers (there are 40,000 primary teaching vacancies unfilled, and between 60 and 70 per cent of practising teachers are inadequately trained) is largely attributable to the fact that teachers are very poorly paid. But this does not result only in a

lack of teachers; it also undermines teachers' commitment to their work and forces most of them to "moonlight" to bring their total income up to a reasonable amount. They are thus unable to devote themselves fully to their teaching work. This does not promote good teaching.

203. Low salaries and shortage of teaching materials force schools to charge parents for the education of their children. Although education is nominally free, parents have to pay for the books their children use; they may also be asked to contribute to the maintenance of school buildings. Furthermore, many teachers receive extra pay from parents keen to ensure that their children receive as effective an education as possible. There is thus considerable personal sacrifice involved in sending one's children to school, which, combined with currently poor job prospects, dissuades many parents from bothering to send their children to school at all. This is particularly true in rural and remote areas.

4. Solutions

204. The fundamental cause of the problem is economic. If the fifth draft NPA target (see para. 44) is to be achieved, this problem will have to be addressed, since only in this way will training, staffing and attendance problems be solved. It is therefore imperative that sources of adequate funds be identified to solve these problems.

B. Aims of education (Convention article 29)

1. Legal context

205. The Law on the Universalization of Primary Education (art. 3) states that primary education shall ensure that pupils acquire literacy, numeracy and a basic understanding of nature, society and humanity, and that they be benevolent, obey their parents and grandparents, love their sisters and brothers, respect their teachers, be polite to their seniors, help their friends, love their juniors, be ready to take up work, observe discipline, be well-mannered, do regular physical exercise, observe norms of hygiene and cleanliness and love their nature area, their country and peace.

206. The draft National Programme of Action emphasizes other objectives, in particular the acquisition by pupils of the skills required for sustained national development.

2. Implementation

207. Viet Nam attaches importance not only to what education imparts, but also to how it is imparted. Particular stress is nowadays laid on the importance of pupil-centred teaching, in which it is hoped that traditionally passive pupil behaviour may be replaced by more active approaches to the task of learning, while the teacher's traditionally authoritarian role gradually gives way to a more facilitative, monitoring approach. Further research will, it is hoped, identify the most effective means of inculcating not only the scientific and technical abilities on which Viet Nam's future economic and industrial development depend, but at the same time obedience, benevolence, solidarity and love of peace.

3. Constraints

208. Disrespect for and misassessment of children are unfortunately common among parents, teachers and researchers. More serious is the severe shortage of funding for education, despite increases in the State budget, as noted above.

C. Leisure, recreation and cultural activities (Convention article 31)

1. Legal context

209. The Law on the Protection, Care and Education of Children (art. 11) states that:

(a) Children have the right to healthy recreation and entertainment and participation in cultural, artistic, sports and tourist activities appropriate to their age;

(b) The State encourages and supports the provision, maintenance and effective use of materials and other facilities that encourage children's study, recreation and other suitable activities; and

(c) The State prohibits the misuse of such facilities.

Article 14 of the same law stipulates that the State prohibits the sale or supply to children of decadent art of any kind, and the provision to them of toys and games that will harm their healthy development.

210. Decision 374/HDBT (Council of Ministers, 14 November 1991) entrusts MOCIS and the Ministry of Trade and Tourism with facilitating the children's recreational activities planned in the draft NPA. Decisions 361/HDBT and 1215/HDBT (Council of Ministers, 31 January 1992 and 4 April 1992 respectively) state that central authorities will charge reduced rates for paper for and distribution of newspapers and magazines for children.

2. Implementation

211. In 1991, there were 103 children's culture houses (an increase of 6 over 1990 and of 14 over 1989) and 31 children's libraries, in addition to 20 youth and 20 workers' culture houses, 394 provincial, municipal and district culture houses, 486 district libraries and thousands of school libraries; there were also many cinemas, theatres, culture parks and circuses. Regrettably, children in rural and particularly in remote areas have little opportunity to tap these cultural resources because most of the facilities are located in urban areas. Some of them are badly in need of funds to pay for maintenance and upgrading.

212. In the same year, broadcasts of children's programmes by central and other radio and television stations amounted to 9,126 hours' listening and 4,023 hours' viewing. Ten cartoon films, six feature films, 12 slide films and 500 video cartoon films for children were also produced, and three new circus programmes, two new puppet shows, and three song and dance programmes

were staged. The number of books published was 356, with a total of 2,671,000 copies printed, and 1,000 musical instruments and 100 drum sets were produced.

213. MOCIS has held seminars on the rights of the child relating to culture, art and entertainment. On MOCIS instructions local authorities have made studies of future provision of child-orientated projects, setting annual, medium- and long-term targets for film production and publication of literature and art. These targets rise every year. Regrettably, they are not always met, because of shortage of funds.

214. Cultural, artistic and sports contests have been organized at national, regional, provincial and district levels.

3. Constraints

215. A number of cultural institutions are not wholly employed for the cultural purpose for which they were built, but are instead used as shops and to generate income in other ways.

216. There is a shortage of monitors of cultural and recreational activity. This stems from unsatisfactory division of responsibility at local level.

217. Unhealthy cultural influences are spreading. Video tapes portraying sex and violence continue to be imported and copied in considerable volume, despite the fact that this is illegal. Such activity is particularly worrying. In addition, the production and sale of toys devoid of any educational value or harmful to children's healthy mental development is prevalent.

218. The draft NPA's target of one children's cultural institution in 30 per cent of communes by 1995, and in 50 per cent by the year 2000, is ambitious. This target, like many others, will not be achieved unless adequate funding is forthcoming. Efforts will accordingly have to be increased to secure support from all quarters within and outside Viet Nam.

VIII. SPECIAL PROTECTION

A. Children in states of emergency

1. Child refugees (Convention article 22)

219. Among, in some cases, other factors, extreme poverty and hardship attributable mainly to the war have prompted large numbers of Vietnamese families to leave Viet Nam with the intention of starting a new life in a more prosperous setting. Since 15 March 1989 for the countries of the Association of South-East Asian Nations (ASEAN) (16 June 1988 in Hong Kong), these people have had to submit to procedures designed to assess whether or not they merit refugee status. Those people that do not qualify for refugee status should accept that ultimately they will have to return to Viet Nam, with guarantees from the Government that their dignity and safety will be protected. UNHCR has been monitoring the progress of returnees since December 1988, when a memorandum of understanding was signed with the Vietnamese Government permitting them to do so.

220. As well as adults, thousands of children have arrived in camps set up to accommodate these "boat people" during their screening and administrative processing. Among these children, there are estimated to be some 4,500 unaccompanied minors (excluding 1,430 who have already returned to Viet Nam, mostly to Hai Phong, Quang Ninh, Hue and Danang), most of them between the ages of 12 and 16. Most of them have at least one parent living in Viet Nam: very few are orphans. By August 1992, more than 4,000 cases of unaccompanied under-16s had been documented, with 426 other cases outstanding. UNHCR is particularly concerned about these children, and has set up special committees in the camps to decide how the interests of these children may best be served. These committees have already reviewed the cases of 3,200 such children: it has been decided that nearly 1,900 will return to Viet Nam, and that 935 will be resettled in other countries.

221. Conditions in the camps are generally cramped and unhealthy, physically and mentally. Nor will life be easy for these children when they return to Viet Nam. Having lived in some cases for years away from Viet Nam, they have been deprived of a cultural context in which they would normally have been prepared for adulthood. Even if they have received basic schooling in the camps, it is not integrated with the Vietnamese education system, and criteria for admission to vocational training courses are likely to narrow their career options. NARV is due soon to begin collaboration with UNHCR and MOLISA to make the reintegration of these children in Vietnamese society easier. The activities of the European Community programme have the same basic goal, but tend to concentrate more on adults than on children.

222. There is another dimension to the question of child refugees in relation to Viet Nam: the Cambodians that arrived in Viet Nam in 1979. In December of that year, UNHCR signed an agreement with Viet Nam permitting the establishment of seven rural centres for approximately 35,000 Cambodians. The number of these refugees remaining in Viet Nam has since shrunk to 12,000 (an estimated 3,500 of whom are children of 15 or more), and they now inhabit four settlements, two in Song Be province and two in Ho Chi Minh City municipality. Conditions are generally good, with care and maintenance still provided by UNHCR, and education given by Vietnamese teachers in Vietnamese. Mothers and children receive special care. It is appreciated, however, that the camps represent only a temporary solution. UNHCR, in collaboration with the Vietnamese Government, are accordingly exploring the possibility of implementing longer-term solutions, of which three kinds are envisaged: family reunion for those accepted by third countries, voluntary repatriation for those who wish to return to Cambodia and settlement in Viet Nam for the rest.

2. Children in regions having armed conflicts
(Convention articles 38 and 39)

223. According to Vietnamese law, people below the age of 18 may not be mobilized for military service or direct involvement in military operations.

224. Vietnamese children have been and continue to be affected, however, by the American use of dioxin during the Vietnamese struggle for national liberation and reunification. This chemical has in certain areas of Viet Nam caused a 10-fold increase in congenital deformity and a 6-fold increase in

stillbirths. There is little reason to believe that this will only be a temporary phenomenon. Bombs and mines dating back to the war continue to explode, killing and wounding children who had not even been born when they were made.

225. More recent conflicts have been more localized: the temporary (1979) invasions of northern and south-western border areas destroyed 864 schools.

226. The Government has responded to the needs of children affected by these conflicts with a variety of programmes including adoption, subsidized reconstruction of schools, financial assistance, and preferential access to vocational training and employment. But the equipment and facilities needed for the special medical and rehabilitative work involved are costly, and at present insufficient. There remains much work to be done, and scant funds to pay for it.

B. Children in conflict with the law

1. Children and justice (Convention article 40)

(a) Legal context

227. The Penal Code makes it clear that legal sanctions against juvenile crime are intended to serve a reforming and educative role above all, encouraging juvenile offenders to come to terms with and make up for their crimes. Article 287 accordingly states that juvenile convicts must attend general education or vocational training courses during their punishment.

228. Mitigating circumstances are allowed more influence in determining sentences for young offenders than for adult criminals, and juveniles may not be sentenced to life imprisonment or death.

(b) Implementation

229. No convicted offenders under the age of 18 have been sentenced to life imprisonment or death.

230. Industrial and agricultural vocational training for young offenders has been available in Viet Nam since 1967, and 13,770 juvenile offenders (including 885 girls) have received it to date. The May 15th school in Ho Chi Minh City, the newest of these training centres, opened in May 1986, had by 1991 trained more than 1,000 young offenders. Even this school, however, needs assistance to improve training equipment and facilities and the living conditions of the students; the other training centres, at Xuan An, Dong Nmai, and Tam Diep, are much older.

231. Since lack of education is so closely correlated with the propensity to commit crimes, further assistance to these institutions would appear to be a priority if juvenile crime is to be brought under control.

232. In fact, the ratio of incidence of juvenile crime to incidence of all crime appears to be static, at around 10 per cent. A breakdown of the 1991

figures shows that around 12 per cent of all theft was perpetrated by under-15s; that assault by the young accounted for 0.22 per cent of all such crime; and that 1.05 per cent of all rape cases and 0.9 per cent of murders were committed by children in this age group (Education and the Times, a weekly journal, Nos. 20 and 21). Theft accounted in 1991 for more than 61 per cent of all juvenile crime.

2. Children deprived of freedom (Convention article 37)

(a) Legal context

233. Article 278 of the Penal Code states that juvenile offenders shall not be detained with adult offenders, that they shall be allowed remission or reduction of their sentence if they can prove true repentance, and that on completion of their punishment they shall receive assistance from prison authorities, local authorities and social organizations to adopt a normal way of life.

(b) Implementation

234. Although the ratio of adult to juvenile crime remains, as we have said, more or less stable, the gross crime rate is increasing, and with it the juvenile crime rate. According to the Ministry of the Interior, this growing crime rate among juveniles is due mainly to lack of parental care or unsatisfactory education. The Ministry's research certainly implicates family background: one or both parents of 30 per cent of juvenile offenders are apparently drug addicts, and 28 per cent of juvenile offenders come from families engaged in other illegal activities. Nearly 8 per cent of juvenile offenders' parents are divorced, and 49 per cent complain about the way their parents treat them, 28 per cent claiming that their parents did not meet their basic needs.

235. Efforts to reintegrate juvenile offenders into society have clearly enjoyed only limited success. The figures for recidivism demonstrate this. The failure effectively to reform more juveniles suggests that the education provided in prison, and the support offered after the offender completes her/his sentence, are deficient. The Ministry of Justice, the Ministry of the Interior, MOET and MOLISA will therefore have to improve the system by which such education and rehabilitative care are provided.

C. Exploited children

1. Child labour (Convention article 32)

(a) Legal context

236. The Law on Protection, Care, and Education of Children (art. 9, para. 3) states that child labour that threatens the child's normal, healthy development is strictly forbidden.

237. It has been acknowledged that in some respects existing laws on child labour do not meet the needs imposed by recently introduced market-oriented economic conditions, and work is proceeding on a new law which will contain more explicit child-labour regulations.

238. This draft Labour Code states that people under the age of 16 shall not be recruited for employment except for certain types of work to be designated by MOLISA, and (art. 133) that they can be employed only if it can be shown that their physical, intellectual and spiritual development will not be impaired by the work. Employers must take special care to ensure that the health, studies and living conditions of their child-employees are adequately supported by their employment. Article 132 states that children in employment under the age of 18 shall have their names, dates of birth, job title and medical examination records registered in a book which must be made available to labour inspectors if they request it.

(b) Implementation

239. It is widely accepted in Viet Nam (and especially in rural areas) that children should perform a certain amount of work to contribute to the running of the household and even to its income; it is also accepted that such work, provided that it is not too burdensome and does not impair the child's health, fulfils a valuable training role as well. This important proviso, stated in the relevant law (see above), is by and large respected. However, large (but unknown) numbers of children, especially orphans and street children, have to work too hard, and are prevented by their work from attending even basic education.

240. The situation is likely to get worse, given that competing enterprises will seek to pay as little as possible for labour, and especially for child labour. Close supervision of developments in this field, supported by the draft Labour Code, will therefore be necessary. Such supervision should seek to involve MOLISA, the Ministry of Justice, the CPCC and mass organizations.

2. Sexual exploitation and abuse of children (Convention article 34)

(a) Legal context

241. The Law on Protection, Care and Education of Children (art. 14) states that encouraging or inducing children to engage in prostitution is strictly prohibited.

242. The Penal Code (art. 202) states that any individual convicted of organizing or encouraging prostitution shall be imprisoned for between six months and five years.

(b) Implementation

243. Prostitution of any kind is against the law; moreover, Vietnamese moral values condemn it. A 1991 report by the Ministry of the Interior found that of the 2,363 prostitutes identified as such, 7 per cent were under the age of 17. A subsequent report by Professor Dang Vu Hoat, director of the Centre

for Political and Moral Education, found that of 450 female prostitutes working in Hanoi, more than 10 were under 15 years old.

244. Rehabilitation centres, where prostitutes receive medical treatment and vocational training to enable them to find other work, also take in child prostitutes. Particular efforts are made to find suitable work for the younger prostitutes.

245. The National AIDS Committee is publicizing the dangers of AIDS, and the NGO CARE International is currently working on the design of an efficient public information campaign on the same topic, focusing on Hanoi and Ho Chi Minh City.

246. Prostitutes, pimps and brothel keepers are prosecuted and punished, but this does not seem to have much effect.

3. Kidnapping and trading in children (Convention article 35)

(a) Legal context

247. Article 7 of the Law on Protection, Care and Education of Children states that children have the right to live with their parents and that they may only be compelled to live apart from them if it has been shown to be in the children's best interests.

(b) Implementation

248. Despite the law, children are being kidnapped and sold to foreign "buyers". There are also cases of kidnapped children being illegally adopted in ethnic minority areas. When the perpetrators of these crimes against children are caught, they are dealt with very severely; but the kidnappers are very careful and few of them are caught. To solve this problem it will be necessary to institute international coordination, inform children and parents of the danger, and improve control of broader areas.

4. Drug abuse (Convention article 33)

(a) Legal context

249. The Law on Protection, Care and Education of Children (art. 14) prohibits the use by children of psychotropic substances, which may damage their health, except under the direction of a doctor.

250. The Law on the Protection of Public Health (art. 39) states that highly toxic substances and drugs liable to cause addiction or psychological problems may only be used in medical treatment and scientific research.

(b) Implementation

251. In reality, drug abuse is found among children, particularly in cities and industrial centres and rural areas where opium is grown, such as Lai Chau, Son La, and Ha Giang provinces. Research in parts of Lai Chau province has revealed that of 600,000 inhabitants 12,000 are addicts, of whom 8,000 are young men and women and children.

252. The international opium trade continues despite efforts by the United Nations Drug Control Programme and other governmental and intergovernmental initiatives. In Viet Nam, particularly in mountainous areas, opium is one of the most important cash crops, and is likely to remain so until substitute crops can be introduced on a wide scale, which will be expensive. The Government has been able to promote crop substitution to a certain extent, by providing capital assistance and high-yield maize seeds to farmers, and the agricultural tax on maize has been removed to further increase the income that farmers may derive from cultivating it. But radical improvement in the situation is unlikely to materialize without large-scale support.

253. Rehabilitation for addicts has been available in Viet Nam for some time, the treatment on offer usually combining elements of eastern and western approaches. A MOLISA report states that there are eight such treatment centres in the whole country, capable, between them, of rehabilitating more than 1,900 addicts per year. There are no data to indicate what proportion of rehabilitated addicts again fall victim to the habit after completing their treatment.

254. Children's education and public information campaigns must be mobilized effectively to prevent drug abuse.

D. Children of aboriginal or other ethnic minority groups (Convention article 30)

255. The population of Viet Nam's mountainous regions is roughly 8.3 million, of whom nearly half (approximately four million) are children. The majority of the inhabitants of these areas are members of ethnic minority groups.

256. Although they enjoy preferential treatment as far as some aspects of government policy are concerned, the ethnic minority people in mountainous areas still suffer from poor educational opportunity, inadequate health care and scant provision of recreational or cultural facilities.

1. Legal context

257. The 1992 Constitution (art. 5) stipulates that the State must apply a policy of equality, unity and mutual assistance with regard to ethnic groups and prohibits acts of discrimination based on ethnicity and acts intended to divide ethnic groups. Article 36 of the Constitution requires the State to implement a policy of preferential treatment in the development of education in ethnic minority regions.

258. Decision 72/HDBT (Council of Ministers, March 1990. See section III A above) deals with the issue of ethnic minorities.

259. The National Assembly has a Committee for Ethnic Affairs.

260. Local authorities in many areas have offices or committees to deal with ethnic or religious affairs. Most ministries and social organizations also have departments whose role is to monitor developments in mountainous areas, including child-related issues.

261. An important function of the Central Commission on Nationalities is to manage, monitor and make proposals on policies concerning children in mountainous areas. The Commission, which is of ministerial rank, submits an annual report on developments in minority areas.

2. Implementation

262. The 1991 State budget earmarked 20 billion dong for health and education services in mountainous areas. These are supplemented by whatever contributions HEDO is able to raise.

263. Numerous areas of activity to promote the health, education and general quality of life of minority groups have been identified: reafforestation, environmental protection, productivity development, prevention of malnutrition, and improvements in medical treatment and education are among them. If they are to be fully implemented, international assistance will be required on a large scale.

CONCLUSION

264. The United Nations Convention on the Rights of the Child sets out to protect human rights. The accession by Viet Nam to the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women, together with national policies adopted by Viet Nam, demonstrate Viet Nam's commitment to human rights in general and the rights of the child in particular.

265. This is nothing new. The recent actions mentioned above merely conform with traditional Vietnamese moral norms, according to which what is best must be set aside for the children. Over the last two years, despite numerous obstacles, the Vietnamese Government has been doing its utmost to put its commitment into effect. It has incorporated the basic provisions of the convention on the Rights of the Child into its socio-economic development strategy, and the rights of the child have been enshrined in the Constitution and other legal instruments such as the Law on Protection, Care and Education of Children and the Law on the Universalization of Primary Education. In addition, the Government's decisions and resolutions have provided for the implementation of these legal instruments, whose significance is being propagated widely among the population. A new code of behaviour towards children is thus being formulated for and disseminated throughout Vietnamese society, with the judiciary playing an increasingly active role in the defence of child rights.

266. By further strengthening the CPCC, the main institution responsible for coordinating child-oriented development work, the scope and tempo of activities to enforce and defend the rights of the child have been increased.

267. A national conference has discussed and adopted the draft NPA to implement the commitments made by Viet Nam at the World Summit for Children.

268. The State has invested heavily in programmes to improve children's quality of life, granting subsidies to remote and disadvantaged regions and families in special need. Mass organizations, charities and other non-governmental organizations have been active in educating the people and promoting action for children. All this has resulted in a unanimity of view on the responsibilities of society and of each family towards children, and an increase in financial support for programmes for orphaned and disabled children as well as for those in disaster-prone areas. In addition, Viet Nam has received important and effective support from international and non-governmental organizations.

269. Achievements to date are only the start, but for that reason very significant, laying as they do the foundations of future work to improve children's lives.

270. Serious problems, many of them the result of many years of war, an underdeveloped economy and very low living standards, remain unsolved: perinatal mortality rates are still high, and malnutrition serious and widespread; access to safe water and sanitation facilities is still inadequate; education needs drastic improvement with the proportion of class repeaters and drop outs unacceptably high and not yet falling; juvenile crime is increasing; the social environment needs urgent improvement and recreational facilities remain scarce; the number of children experiencing severe hardships remains high.

271. These challenges are indeed tremendous, and the economic progress that will permit better funding of efforts to meet these challenges still seems some way off. The budget deficit is considerable, inflation still a threat and current employment prospects grim. Government provision for social welfare is insufficient and unchecked population growth will render it more so.

272. Another serious obstacle to swift and effective improvements in children's lives is the inability of State agencies and social and mass organizations to perform adequately the necessary work, including research for and monitoring, management and coordination of the various programmes involved. It is therefore necessary to strengthen the capacities of these bodies as quickly and effectively as possible.

273. In the future, the scope and effectiveness of activities to implement the Convention will have to be increased, and more wok will be required to focus government policies and legislation satisfactorily. Provincial-, district- and commune-level programmes will have to be refined and better coordinated.

274. It will also be important to improve and to employ more effectively the expertise of foreign and Vietnamese specialists, and to intensify educational and promotional work among the general public in order to secure more effective grass-roots support for the various programmes.

275. If the NPA is to succeed, Viet Nam will need the sustained support of the world community. We believe that this support will, deservedly, be forthcoming.

Notes

1/ This is a campaign aiming to persuade families to adopt the best of both traditional and modern culture and ways of life in regard to the way children are brought up, household hygiene and relations between households at local level; "modern" hardly does justice to the Vietnamese (Nep song van minh, gia dinh van hoa moi), but is at least short.

2/ See also section VIII below.

3/ See also section V G below.